

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTIETH
GENERAL ASSEMBLY**

**2004 REGULAR AND
EXTRAORDINARY SESSIONS**

Volume I

**JEFF LAMBERTI, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

Published by the
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Des Moines

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EIGHTIETH GENERAL ASSEMBLY
2004 Regular Session

OFFICERS OF THE SENATE

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| JEFF ANGELO, <i>President Pro Tempore</i> | Creston |
| STEWART E. IVERSON, JR., <i>Majority Leader</i> | Dows |
| NANCY J. BOETTGER, <i>Assistant Majority Leader</i> | Harlan |
| E. THURMAN GASKILL, <i>Assistant Majority Leader</i> | Corwith |
| NEAL SCHUERER, <i>Assistant Majority Leader</i> | Amana |
| KEN VEENSTRA, <i>Assistant Majority Leader</i> | Orange City |
| MARK ZIEMAN, <i>Assistant Majority Leader</i> | Postville |
| MICHAEL E. GRONSTAL, <i>Minority Leader</i> | Council Bluffs |
| JOE BOLKCOM, <i>Assistant Minority Leader</i> | Iowa City |
| MIKE CONNOLLY, <i>Assistant Minority Leader</i> | Dubuque |
| JOHN P. “JACK” KIBBIE, <i>Assistant Minority Leader</i> | Emmetsburg |
| AMANDA RAGAN, <i>Assistant Minority Leader</i> | Mason City |
| MICHAEL E. MARSHALL, <i>Secretary of the Senate</i> | West Des Moines |
| TOM ASHWORTH, <i>Majority Caucus Research Analyst</i> | West Des Moines |
| ERIC BAKKER, <i>Administrative Assistant to Minority Leader</i> | Des Moines |
| BECKY BEACH, <i>Administrative Assistant to President of the Senate</i> | Des Moines |
| STACY BEATTIE, <i>Confidential Secretary to Secretary of the Senate</i> | Runnells |
| KANN BRANDT, <i>Senior Journal Editor</i> | Ankeny |
| JOSH BRONSINK, <i>Majority Caucus Research Analyst</i> | West Des Moines |
| LOIS BROWNELL, <i>Finance Officer</i> | Ankeny |
| JERRY CARLSON, <i>Doorkeeper</i> | Des Moines |
| SVEND A. CHRISTENSEN, <i>Postmaster</i> | Des Moines |
| DONALD CLARKE, <i>Assistant to Legal Counsel</i> | West Des Moines |
| CYNTHIA A. CLINGAN, <i>Senior Assistant Secretary of the Senate</i> | West Des Moines |

| | |
|---|-----------------|
| KATHLEEN CUROE, <i>Indexer/Records and Supply</i> | Des Moines |
| JAMES DOUGLAS, <i>Doorkeeper</i> | Huxley |
| PAMELA DUGDALE, <i>Majority Caucus Senior Research Analyst</i> | West Des Moines |
| JIM FRIEDRICH, <i>Majority Caucus Research Analyst</i> | Ankeny |
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| JANET HAWKINS, <i>Journal Editor</i> | Bondurant |
| JOSH HEGGEN, <i>Minority Caucus Secretary</i> | West Des Moines |
| VICKI IVERSON, <i>Confidential Secretary to Majority Leader</i> | Dows |
| DAREN JAQUES, <i>Majority Caucus Research Analyst</i> | West Des Moines |
| CAROLANN JENSEN, <i>Majority Caucus Senior Research Analyst</i> | Osceola |
| DEBBIE KATTENHORN, <i>Confidential Secretary to Minority Leader</i> | Norwalk |
| THERESA L. KEHOE, <i>Minority Caucus Senior Research Analyst</i> | Des Moines |
| KATIE KOBERG, <i>Administrative Assistant to Majority Leader</i> | West Des Moines |
| WILLIAM L. KRIEG, <i>Sergeant-at-Arms</i> | Des Moines |
| ROBERT LANGBEHN, <i>Doorkeeper</i> | Des Moines |
| JO ANN LARSON, <i>Switchboard Operator</i> | Indianola |
| LINDA LAURENZO, <i>Senior Finance Officer</i> | Clive |
| EMBER LEONARD, <i>Administrative Secretary to Secretary of the Senate</i> | Ames |
| 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 |
| PETER MATTHES, <i>Majority Caucus Research Analyst</i> | Ankeny |
| KYLE McCULLOUGH, <i>Majority Caucus Secretary</i> | Leon |
| JACE MIKELS, <i>Minority Caucus Research Analyst</i> | Des Moines |
| JAY MOSHER, <i>Bill Clerk</i> | Milo |
| KATHY OLAH, <i>Senior Indexer</i> | West Des Moines |
| RICHARD OSHLO, <i>Minority Caucus Senior Research Analyst</i> | Des Moines |
| RON PARKER, <i>Minority Caucus Staff Director</i> | Newton |

| | |
|--|-----------------|
| DICK ROSONKE, <i>Doorkeeper</i> | West Des Moines |
| JANET SCHWARZ, <i>Legislative Secretary</i> | West Des Moines |
| TOM SHELDAHL, <i>Assistant Sergeant-at-Arms</i> | West Des Moines |
| JULIE T. SIMON, <i>Minority Caucus Research Analyst</i> | Des Moines |
| KIMBERLY STEENHOEK <i>Majority Caucus Communications Director</i> | Des Moines |
| KERMIT A. TANNATT, <i>Doorkeeper</i> | Des Moines |
| MEGAN THOMPSON, <i>Journal Editor</i> | Ankeny |
| JOSH VALDEZ, <i>Legislative Secretary</i> | Urbandale |
| ANDY WARREN, <i>Administrative Assistant to Majority Leader</i> | West Des Moines |
| BOB WHITE, <i>Doorkeeper</i> | West Des Moines |
| KERRY WRIGHT, <i>Minority Caucus Research Analyst</i> | West Des Moines |

JOINT EMPLOYEES OF THE SENATE AND HOUSE

| | |
|--|------------|
| MARK L. WILLEMSSEN, <i>Facilities Manager</i> | Johnston |
| MARK S. LUNDBERG, <i>Conservation/Restoration Specialist</i> | Des Moines |
| SHAWNA S. FERGUSON, <i>Security Secretary</i> | Norwalk |
| NICKOLAS S. BROWN, <i>Security Officer</i> | Des Moines |
| RICHARD A. CRAWFORD, <i>Security Officer</i> | Des Moines |
| MARSHALL T. IRWIN, <i>Security Officer</i> | Des Moines |
| CARL E. LAMI, <i>Security Officer</i> | Grimes |
| MAHLON Y. LAMP, <i>Security Officer</i> | Atlantic |
| STEVEN D. MARSH, <i>Security Officer</i> | Madrid |
| ROY E. PARADISE, <i>Security Officer</i> | Des Moines |
| TRUDY L. PAULSON, <i>Security Officer</i> | Des Moines |
| ROBERT J. PORTER, <i>Security Officer</i> | Osceola |
| JUDITH A. SALIER, <i>Security Officer</i> | Monroe |
| KERT J. SCHNELL, <i>Security Officer</i> | Newton |
| LEO R. SKEFFINGTON, <i>Security Officer</i> | Adel |

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 |
| DAVID A. VAUDT, <i>Auditor of State</i> | West Des Moines |
| MICHAEL L. FITZGERALD, <i>Treasurer of State</i> | West Des Moines |
| PATTY JUDGE, <i>Secretary of Agriculture</i> | Albia |
| TOM MILLER, <i>Attorney General</i> | Des Moines |

JUSTICES OF THE IOWA SUPREME COURT

| | |
|---|-----------------|
| LOUIS A. LAVORATO, <i>Chief Justice</i> | Des Moines |
| MARK S. CADY, <i>Justice</i> | Fort Dodge |
| JAMES H. CARTER, <i>Justice</i> | Cedar Rapids |
| JERRY L. LARSON, <i>Justice</i> | Harlan |
| MICHAEL J. STREIT, <i>Justice</i> | Chariton |
| MARSHA K. TERNUS, <i>Justice</i> | Des Moines |
| DAVID WIGGINS, <i>Justice</i> | West Des Moines |

JUDGES OF THE IOWA COURT OF APPEALS

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

JOE BOLKCOM

AddressIowa City
Age47
Senatorial District39—Johnson
Former Legislative Service78, 79, 79X—XXXX, 80(1st), 80X

BOB BRUNKHORST

AddressWaverly
Age37
OccupationComputer Analyst
Senatorial District9—Black Hawk, Bremer, Butler, Fayette
Former Legislative Service75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

MIKE CONNOLLY

AddressDubuque
Age58
OccupationLegislator
Senatorial District14—Dubuque
Former Legislative Service68, 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,
73, 74, 74X, 74XX, 75, 76, 77, 78,
79, 79X—XXXX, 80(1st), 80X

THOMAS G. COURTNEY

AddressBurlington
Age56
OccupationRetired
Senatorial District44—Des Moines, Louisa, Muscatine
Former Legislative Service80(1st), 80X

DICK L. DEARDEN

AddressDes Moines
Age65
OccupationRetired, Job Developer—5th Judicial District
Senatorial District34—Polk
Former Legislative Service76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

WILLIAM A. DOTZLER, JR.

AddressWaterloo
Age54
OccupationMachine Operator/Labor Representative
Senatorial District11—Black Hawk
Former Legislative Service77, 78, 79, 79X—XXXX, 80(1st), 80X

RICHARD F. DRAKE

Address Muscatine
 Age 76
 Occupation Farming
 Senatorial District 40—Cedar, Johnson, Muscatine
 Former Legislative Service 63, 64, 65, 66, 67, 67X, 68, 69, 69X, 69XX,
 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

ROBERT E. DVORSKY

Address Coralville
 Age 55
 Occupation Job Developer, 6th District—Dept. of Correctional Services
 Senatorial District 15—Johnson, Linn
 Former Legislative Service 72, 72X, 72XX, 73, 74, 74X, 74XX,
 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

GENE FRAISE

Address Fort Madison
 Age 71
 Occupation Farmer
 Senatorial District 46—Henry, Lee
 Former Legislative Service 71(2nd), 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76,
 77, 78, 79, 79X—XXXX, 80(1st), 80X

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

E. THURMAN GASKILL

Address Corwith
 Age 68
 Occupation Farmer
 Senatorial District 6—Cerro Gordo, Franklin, Hancock, Winnebago, Worth
 Former Legislative Service 77(2nd), 78, 79, 79X—XXXX, 80(1st), 80X
 (Elected in special election held on February 3, 1998.)

MICHAEL E. GRONSTAL

Address Council Bluffs
 Age 53
 Senatorial District 50—Pottawattamie
 Former Legislative Service 70, 71, 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76
 77, 78, 79, 79X—XXXX, 80(1st), 80X

JACK HATCH

Address Des Moines
 Age53
 Occupation Real Estate Developer
 Senatorial District 33—Polk
 Former Legislative Service 71, 72, 72X, 72XX, 73, 74, 74X, 74XX,
 79, 79X—XXXX, 80(1st), 80X

JACK HOLVECK

Address Des Moines
 Age60
 Occupation Attorney
 Senatorial District 32—Polk
 Former Legislative Service 69, 69X, 69XX, 70, 71, 72, 72X, 72XX,
 73, 74, 74X, 74XX, 75, 76, 77, 78,
 79, 79X—XXXX, 80(1st), 80X

WALLY E. HORN

Address Cedar Rapids
 Age70
 Occupation Legislator
 Senatorial District 17—Linn
 Former Legislative Service 65, 66, 67, 67X, 68, 69, 69X, 69XX, 70, 71,
 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76,
 77, 78, 79, 79X—XXXX, 80(1st), 80X

JULIE M. HOSCH

Address Cascade
 Age64
 Occupation Farmer
 Senatorial District 16—Delaware, Dubuque, Jones
 Former Legislative Service80(1st), 80X

HUBERT HOUSER

Address Carson
 Age61
 Occupation Farmer
 Senatorial District 49—Fremont, Mills, Page, Pottawattamie
 Former Legislative Service 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

STEWART E. IVERSON, JR.

Address Dows
 Age 53
 Occupation Farmer
 Senatorial District 5—Franklin, Hamilton, Story, Webster, Wright
 Former Legislative Service 73(2nd), 74, 74X, 74XX, 75, 76, 77, 78,
 79, 79X—XXXX, 80(1st), 80X

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

DAVID JOHNSON

Address Ocheyedan
 Age 52
 Occupation Dairy Farmhand
 Senatorial District 3—Clay, Dickinson, O'Brien, Osceola, Sioux
 Former Legislative Service 78, 79, 79X—XXXX, 80(1st), 80X

STEVE KETTERING

Address Lake View
 Age 59
 Occupation Community Banker
 Senatorial District 26—Buena Vista, Carroll, Crawford, Sac
 Former Legislative Service 78, 79, 79X—XXXX, 80(1st), 80X

JOHN P. “JACK” KIBBIE

Address Emmetsburg
 Age 74
 Occupation Farmer
 Senatorial District 4—Emmet, Humboldt, Kossuth,
Palo Alto, Pocahontas, Webster
 Former Legislative Service 59, 60, 60X, 61, 62, 73, 74, 74X, 74XX, 75, 76,
 77, 78, 79, 79X—XXXX, 80(1st), 80X

MARY KRAMER

Address Clive
 Age 68
 Senatorial District 30—Polk
 Former Legislative Service 74, 74X, 74XX, 75, 76, 77, 78,
 79, 79X—XXXX, 80(1st), 80X

(Resigned effective January 14, 2004.)

KEITH A. KREIMAN

Address Bloomfield
 Age 48
 Occupation Attorney
 Senatorial District 47—Appanoose, Davis, Wapello, Wayne
 Former Legislative Service 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

JEFF LAMBERTI

Address Ankeny
 Age 41
 Occupation Attorney
 Senatorial District 35—Polk
 Former Legislative Service 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

CHARLES W. LARSON, JR.

Address Cedar Rapids
 Age 34
 Occupation Attorney
 Senatorial District 19—Linn
 Former Legislative Service 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

MARY LUNDBY

Address Marion
 Age 55
 Occupation Legislator
 Senatorial District 18—Linn
 Former Legislative Service 72, 72X, 72XX, 73, 74, 74X, 74XX, 75, 76,
 77, 78, 79, 79X—XXXX, 80(1st), 80X

MATT W. McCOY

Address Des Moines
 Age 37
 Occupation Vice President, Downtown Dev. Corp.
 Senatorial District 31—Polk
 Former Legislative Service 75, 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

LARRY McKIBBEN

Address Marshalltown
 Age 57
 Occupation Lawyer
 Senatorial District 22—Hardin, Marshall
 Former Legislative Service 77, 78, 79, 79X—XXXX, 80(1st), 80X

PAUL McKINLEY

Address Chariton
 Age 56
 Occupation Businessman
 Senatorial District 36—Jasper, Lucas, Mahaska, Marion, Monroe
 Former Legislative Service 79, 79X—XXXX, 80(1st), 80X

NEAL SCHUERER

Address Amana
 Age 49
 Occupation Restaurateur
 Senatorial District 38—Iowa, Keokuk, Mahaska, Poweshiek, Tama
 Former Legislative Service 77, 78, 79, 79X—XXXX, 80(1st), 80X

JOE M. SENG

Address Davenport
 Age 56
 Occupation Veterinarian
 Senatorial District 43—Scott
 Former Legislative Service 79, 79X—XXXX, 80(1st), 80X

JAMES A. SEYMOUR

Address Woodbine
 Age 64
 Occupation Hospital Administrator/CEO
 Senatorial District 28—Crawford, Harrison, Ida, Monona,
 Pottawattamie, Woodbury
 Former Legislative Service 80(1st), 80X

DOUG SHULL

Address Indianola
 Age 60
 Occupation Retired/Community Service
 Senatorial District 37—Dallas, Madison, Warren
 Former Legislative Service 80(1st), 80X

BRYAN J. SIEVERS

Address New Liberty
 Age 43
 Occupation Farmer
 Senatorial District 42—Clinton, Scott
 Former Legislative Service 79, 79X—XXXX, 80(1st), 80X

ROGER STEWART

Address Preston
 Age 72
 Occupation Banker/Farmer
 Senatorial District 13—Clinton, Dubuque, Jackson
 Former Legislative Service 80(1st), 80X

MAGGIE TINSMAN

Address Davenport
 Age 67
 Occupation Social Worker/Legislator
 Senatorial District 41—Scott
 Former Legislative Service 73, 74, 74X, 74XX, 75, 76, 77, 78,
 79, 79X—XXXX, 80(1st), 80X

KEN VEENSTRA

Address Orange City
 Age 64
 Occupation Insurance Agent
 Senatorial District 2—Lyon, Plymouth, Sioux
 Former Legislative Service 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

PAT WARD

Address West Des Moines
 Age 46
 Occupation Business/Government Relations
 Senatorial District 30—Polk
 Former Legislative Service None
 (Elected in special election held on February 3, 2004.)

STEVE WARNSTADT

Address Sioux City
 Age 35
 Occupation Legislator/National Guard
 Senatorial District 1—Woodbury
 Former Legislative Service 76, 77, 78, 79, 79X—XXXX, 80(1st), 80X

RON WIECK

Address Sioux City
 Age 59
 Occupation Insurance Agent
 Senatorial District 27—Cherokee, Plymouth, Woodbury
 Former Legislative Service 80(1st), 80X

MARK ZIEMAN

Address Postville
 Age 58
 Occupation Farmer/Trucking Co. Owner
 Senatorial District 8—Allamakee, Chickasaw, Howard, Winneshiek
 Former Legislative Service 79, 79X—XXXX, 80(1st), 80X

JOURNAL OF THE SENATE

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 12, 2004

Pursuant to chapter two (2), sections two point one (2.1) and two point three (2.3), Code of Iowa, the 2004 Regular Session of the Eightieth General Assembly convened at 10:03 a.m. The Senate was called to order by President Mary Kramer.

Prayer was offered by Father Greg Leach of Our Lady's Immaculate Heart Church in Ankeny, Iowa. He was the guest of Senator Lamberti.

PLEDGE OF ALLEGIANCE

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

OPENING REMARKS BY THE PRESIDENT OF THE SENATE

Good morning, and welcome back to this beautiful, tradition-rich chamber. What a gift it is to work in this historic place. Attempting to be worthy of our history is often a daunting task.

Today begins a year of new opportunity and many changes for many people. New beginnings bring optimism and energy—great gifts.

Much has been written and spoken regarding the current situation in Iowa. While it is true that problem solving begins by defining the problems, common sense tell us that at some point is it absolutely necessary to agree on a problem definition and move to possible solutions!

Joan Rivers is fond of saying "Can We Talk?" So many problems roll around our state—begging for a forum, a stage, a someplace where we might spread them before us and talk them through. But either the someplace does not exist, or we as leaders have little interest in looking for it. Is there no Grange hall in Iowa where citizens can sit down and talk?

The Iowa caucus process shows the world our capacity to sit down in small groups throughout the state and discuss issues, seeking candidates that best reflect our view of these issues. Perhaps that process can be continued—by discussing ideas and solutions to move our state forward. How about an Envision Iowa? A process to encourage our fellow Iowans to understand Iowa's issues, then seek a common vision for the desired future.

Still, we remember our most important protections in this new world will be our old values. Nothing we learn on the Internet or in the latest polls gives us deeper insights than the answers found in the desert 2,000 years ago—or at our parents' knees. As Iowans, we owe an extraordinary debt to those generations who have brought us to the brink of a promised land. Their sacrifices not only brought us a good life, but in the face of war and hard times, they kept the values alive. These values are the greatest gift we can share with those who follow.

In Iowa we are blessed with the freedom, the values, and the people to create our desired future. Men and women in public life can provide inspiration, vision, and a belief in a common purpose. Is that a hope for those of us in public service? No, it's the job. It's what we were elected to do—a goal for me in my new location, and hopefully a goal for all of you here as well.

Thank you.

REMARKS BY THE MAJORITY LEADER

I want to take this opportunity to welcome everyone back for the 2004 Regular Session of the 80th General Assembly.

One year ago I stood before you in the depths of a budget crisis and talked about opportunity. Today, I stand before you still facing a difficult budget situation but committed to building on the opportunities we created last session.

Much has been made about the 2003 session. In fact, just last week a newspaper was still speculating what the impact of the last legislative session will be on this one. Never before in my time has one session been so directly linked to another session.

My vision for Iowa has not changed since last session. I will continue my efforts to create an Iowa with the most competitive business climate and tax policy in the country, an Iowa where our children's test scores are the best in the nation, rather than just near the top, and finally, an Iowa where health insurance costs and saving for college don't consume your entire paycheck.

I want to build on our accomplishments last session and keep Iowa moving forward.

Unfortunately, last session will not change the course of Iowa forever. Iowa still faces serious challenges. We are the worst state in the nation in which to operate a small business. We have a premier education system, but we can do better. And, health care costs continue to rise. We have much work to do.

In our quest to attract the “front page” industries, we have neglected their smaller counterparts. In this legislative session, we will not forget those small businesses that are responsible for two-thirds of all new jobs. Small businesses have remained the unsung heroes of Iowa’s economy, and I will not forget them this legislative session.

I will again keep education a top priority this legislative session. Whether a child attends school in Dows or West Des Moines, they should be challenged in the classroom by teachers focused on providing the very best education. While serving on the school board many years ago, I preached the importance of teaching the basics: reading, writing, and arithmetic. I hope today our classrooms keep these basics a priority.

Unfortunately, many Iowa families woke up again this morning without health insurance. Some employers around the state have found they are no longer able to provide both a good job AND good health care benefits. Sadly, these companies are unable to continue benefits. I believe some changes can be made that help both the employee and the employer.

The pundits will tell us that a legislative session during an election year will not produce great results, and that the only thing Iowans should expect is partisan bickering and grandstanding.

To my friends across the aisle, I know that you also share many of the same concerns I do. Our challenges transcend partisan affiliations, and our constituents deserve a bipartisan effort this legislative session.

While many think a dramatic legislative session is behind us, I believe we must have a focused session on the issues affecting real Iowans. Only then, can we have a state where businesses thrive, students excel, and providing our kids with health insurance and a college education doesn’t land us in bankruptcy.

Members of the Iowa Senate, we stand here today missing one of our own.

Senator Larson, like many other young men and women, has been called to aid in the effort to rebuild a country. His absence this legislative session will serve as a constant reminder of how families sacrifice to serve a greater good.

Every day I think about our brave Iowa soldiers that have given the ultimate sacrifice. I pray their families have the strength to carry on and I want them to know we will not forget the sacrifices made.

I am grateful every year to be standing before you and discussing the legislative session. In many countries around the world, the notion of a citizen legislature is nothing but a dream. I would like to remind everyone what a remarkable event it truly is to govern one’s self. Today, and the rest of the session, we will debate legislation without the threat of violence or civil war. And, in the end, we will all return to our homes.

Thank you, Madam President.

REMARKS BY THE MINORITY LEADER

Thank you, Madam President.

Today is a new beginning for the Iowa Senate. While the faces are familiar and while it is true that every year we meet in January to begin a new session, the people of Iowa expect us to do things differently this year.

We must make a new beginning, because the way we've been doing things is not working. In fact, Iowa common sense says the Iowa legislature is broken. Here's why I say that.

This broken legislature can't pass a budget that most Iowa families believe is in tune with their values and their priorities.

The size of state government has decreased by 10 percent in the last few years. The cost of state government is the lowest it has been in 40 years.

Despite deep cuts in state services, the state budget is still overflowing with red ink. This year's deficit is more than \$340 million. On Iowa's main streets and rural roads, people are talking about how the "red ink Republicans" controlling the legislature have created a rising tide of red ink that is drowning the budgets of local school districts, local governments, and our public universities.

We've got to responsibly manage our resources. Can we agree today that we won't pass the buck—or in this case, the buck-et of red ink—on to local government? The proposal by some to eliminate property tax credits is outrageous.

Last year, a bare majority of this body voted to, in effect, slash economic development efforts, cut hours at many local libraries, lay off police officers and firefighters across the state, raise fees of all kinds, and INCREASE PROPERTY TAXES. That's what happened last year when the majority cut \$60 million from Iowa's cities and counties.

This year, let's not pretend we are solving problems by making them somebody else's problem. Let's not pretend we are holding the line on taxes by forcing cities and counties to increase local property taxes for thousands of working Iowa families.

I hope that by February 15, we can let the residents of our communities and counties know what the legislature has in store for them. If I have my way, we won't add to the damage done last year. If you plan to send more buckets of red ink their way, you should have the decency to let them know before they must certify their budgets.

This broken legislature is selling out Iowa workers.

The Republican path to economy prosperity is based on selling out the hopes and dreams of Iowans in favor of a low-wage, low quality-of-life strategy that benefits a few and will fail in the long run. Last year, the majority voted to make it tougher for injured workers to get help, considered the elimination of collective bargaining, and refused to raise the minimum wage. The majority's agenda for economic development

is lower wages, tax increases for working families, cuts for the rich, inadequate public services, and tax giveaways for corporations.

Trying to compete on that basis with Mexico, India, and China is a losing strategy. Rather than undermining wages, we should be working to increase wages. Rather than making it more difficult for workers to improve their skills, we should be making educational opportunities more affordable for all Iowans. Rather than offer Iowa workers to the world at a discount—as people desperate for work at any wage—we should focus on our excellent work ethic, strong skills, and stable communities.

This broken legislature is taking education for granted.

The majority loves to talk about education, but our kids need more than talk. Most Iowa schools have not seen a penny's worth of increase in state aid for the last three years. Judged by our students' test scores, Iowa ranks among the top three states in the nation when it comes to education. But how long will that hold if we are reducing educational opportunities, and class sizes start to increase again? How long will this last when our best teachers are paid so much less than the national average? Is anyone listening when our school boards tell us our schools are in crisis?

Our public universities are losing some of their best professors and becoming less affordable. Families working to improve themselves saw tuition increase 60 percent in three years! Tuition at our community colleges is the highest in the nation.

The legislature is broken, but, together, we can fix it. We can start by setting aside the wedge issues and leave the campaigning for the fall elections. Let's focus on improving our economy and protecting the quality of life that Iowans demand for themselves and their children.

Let's also set aside the backroom deal-making. Let's revive the traditional committee process. Let's do our work in public, so the people of Iowa can see what we are doing and play a role in our decisions.

If we are to ensure every Iowan's right to economic security, educational excellence, and strong families and communities, our state government must commit to a policy of inclusion and our citizens must commit to active political participation. Only when these are combined can we begin to work toward providing the tools Iowans need.

We know that government cannot do it alone. It will require a partnership that includes the private sector, communities, and nonprofit organizations. With that in mind, here are ten ideas that the Democratic members of the Iowa Senate will work to offer during this session.

One, the state's minimum wage should be raised. This would help 100,000 Iowans who need the money to pay for their family's health care and education.

Two, to ensure greater economic security for working families, we should require that companies receiving "Iowa Values" incentives must provide adequate health-care insurance for their employees.

Three, we must oppose additional property tax increases. Instead of reducing taxes for all Iowa families, Republicans have shifted cost of government from income taxes to

property taxes. As income tax rates for wealthy Iowans have fallen, property taxes have increased due to cuts in state aid to cities and counties, cuts to local schools, cuts to community colleges, and cuts to property tax credits.

Democrats believe property taxes should be reduced because the property taxes take a much bigger bite out of the incomes of seniors and working families than the budgets of Iowa's richest families.

Four, to harness the full potential of agriculture in Iowa, our state must be a leader in the life sciences revolution. We are well positioned, thanks to our farmers and related businesses—and thanks to our research universities—to harness the benefits of agricultural innovation.

Five, we should nurture and promote producer-owned facilities. More than 75 percent of Iowa's raw commodities (hogs and cattle) are exported out of state. If Iowa helped producers to process their hogs or cattle, the farmer would increase their share of the commodity prices and thus increase their profit, and create high-paying Iowa jobs and increase tax revenue.

Six, we should increase our commitment to wind energy and other renewable energy. By helping businesses build their own renewable energy production facilities, we can create more high-skill, high-wage jobs.

Iowa can also help the companies cut their costs by producing their own energy and boost the state's overall production of cleaner energy. By investing in wind energy, we will be creating a cleaner, more economically secure future for the state of Iowa, especially in our rural areas.

Seven, we must ensure affordable health care for all Iowans. As the average age of our state's population increases, we need to make sure that the most vulnerable Iowans have access to affordable, high-quality health care. We should also expand Iowa Priority, the state prescription drug program for seniors eligible for Medicare and disabled Iowans, to include families whose children are on Medicaid or have enrolled in HAWK-I.

Eight, we should guarantee affordable health care for more Iowa children. 32,500 Iowa children still are without health insurance. We should continue to expand and enhance our outreach efforts for the state's HAWK-I children's health insurance program.

Nine, since taking control of the legislature in 1997, Republicans have been too eager to balance the state's budget on the backs of Iowa schoolchildren and college students. Higher education is becoming an economic burden on working families and a barrier to opportunity for Iowa high school graduates.

If Iowans are going to feel economically secure in the future, the state must renew its commitment to affordable higher education for all Iowa students, smaller class sizes and higher test scores, and ensuring that the best teachers are recruited and retained in our classrooms.

Ten, we must build stronger communities and neighborhoods. We should support community development by encouraging housing rehabilitation, expanding the Main Street initiative, increasing historic tax credits, and revitalizing the economy in rural Iowa. We should also support our communities by cleaning our impaired waters, an action which will protect the health of citizens, create more recreational opportunities, and encourage economic activity in rural Iowa.

This is an ambitious agenda, but it is one which reflects the hopes Iowans have for the future of our state and families. Rather than managing and facilitating the decline of Iowa, the citizens of Iowa expect us to lead and lay the groundwork for a prosperous future.

Thank you, Madam President.

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.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Larson, for the remainder of the 2004 Session until he returns from his military service in Iraq, on request of Senator Iverson.

COMMITTEE TO NOTIFY THE GOVERNOR

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Angelo, Chair; Redfern, Hosch, Courtney, and Ragan.

COMMITTEE TO NOTIFY THE HOUSE

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

The motion prevailed by a voice vote, and the Chair announced the appointment of Senators Kettering, Chair; Behn, Johnson, Connolly, and Dotzler.

APPOINTMENT OF PERMANENT OFFICERS AND EMPLOYEES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following personnel for appointment as officers and employees of the Senate for the 2004 Session of the Eightieth General Assembly:

Majority Caucus

Administrative Asst. to Majority LeaderKatie Koberg
Secretary Kyle McCullough
Secretary Janet Schwarz

Minority Caucus

Sr. Legislative Research Analyst Dick Oshlo
Secretary Josh Heggen
Secretary Josh Valdez

Administrative

Confidential Secretary to the Secretary Stacy L. Beattie
Admin. Secretary to the Secretary Ember Leonard

Legal Counsel

Assistant to Legal Counsel..... Donald Clarke

Services

Doorkeeper James Douglas

Secretaries to Senators

Committee Secretary Heath Bartness
Committee Secretary Carla Batchelor-Caster
Committee Secretary John Good
Committee Secretary Katie McKibben
Committee Secretary Ellen Wagner-Kerber
Secretary Kristie Blunt
Secretary Martha Connolly

Secretary Catherine Engel
 Secretary Mac McDonald
 Secretary Phyllis Peterson
 Secretary Greg Pklapp
 Secretary Regan Roberts
 Secretary Lynzey Tharp
 Secretary Mary Welter

STEWART E. IVERSON, JR., Chair

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

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

APPOINTMENT OF PAGES

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

MADAM PRESIDENT: Your committee on Rules and Administration begs leave to submit the names of the following persons as Pages for the Senate for the 2004 Session of the Eightieth General Assembly:

- SARAH BATTANI, Ankeny
- THERESA BITTNER, Des Moines
- DEXTER CHAN, Milford
- LINDSAY DAVIS, Waterloo
- JEREMY DUNKIN, Bondurant
- CAROLYN KISTLER, Olin
- KRISTA KREIMAN, Bloomfield
- MATT KRONLAGE, Dyersville
- JOHN LANDE, Huxley
- MARGUERITE MOELLER, Decorah
- SAMARA PALS, Orange City
- AMY PENNISTON, Ottumwa
- MADDISON SIECK, Glenwood
- LAURA THOMAS, West Union
- ALLISON VENNERBERG, Stanton
- ASHLEY WILSON, Ames

STEWART E. 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.

SPECIAL GUEST

Senator Beall welcomed to the Senate chamber former Senator Rod Halvorson of Webster County.

The Senate rose and expressed its welcome.

REPORT OF THE COMMITTEE TO NOTIFY THE HOUSE

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

The report was accepted and the committee discharged.

REPORT OF THE COMMITTEE TO NOTIFY THE GOVERNOR

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

The report was accepted and the committee discharged.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:55 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:39 p.m., Senator Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:40 p.m. until 8:30 a.m., Tuesday, January 13, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

The following communications were received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency during the 2003 interim, after the adjournment of the 2003 Extraordinary Session:

June 10, 2003

IOWA CIVIL RIGHTS COMMISSION

2001–2002 Annual Report — notification that the report in electronic form is available online.

June 16, 2003

DEPARTMENT OF PUBLIC HEALTH

2002 Termination of Pregnancy Report — notification that the report in electronic form is available online.

July 2, 2003

OFFICE OF AUDITOR OF STATE

Report of Recommendations to the Iowa Legislature, as included in the State's Comprehensive Annual Financial Report for the year ended June 30, 2002.

September 30, 2003

DEPARTMENT OF HUMAN RIGHTS

2003 Annual Report for the Division of Persons with Disabilities — notification that the report in electronic form is available online.

October 1, 2003

DEPARTMENT OF ADMINISTRATIVE SERVICES

Annual Report of Internal Service Funds — notification that the report in electronic form is available online.

DEPARTMENT OF ELDER AFFAIRS

Report on Proposed Changes in the Case Management Program for the Frail Elderly (CMPFE).

October 2, 2003

DEPARTMENT OF ADMINISTRATIVE SERVICES

Affirmative Action Report for FY 2003, pursuant to Iowa Code section 19B.5.

October 29, 2003

BOARD OF REGENTS

Annual Report of the College Bound/IMAGES Programs — notification that the report in electronic form is available online.

October 31, 2003

DEPARTMENT OF REVENUE

2003 Iowa Property Tax Implementation Committee: Report to the Legislature — notification that the report in electronic form is available online.

November 3, 2003

OFFICE OF DRUG CONTROL POLICY

Iowa's Drug Control Strategy 2004, pursuant to Iowa Code chapter 80.E.

November 13, 2003

DEPARTMENT OF JUSTICE

Reports of the department's actual costs and estimate of time expended enforcing the Iowa competition law and providing public education relating to consumer fraud and enforcement of Iowa Code section 714.16, pursuant to 2003 Acts, Senate File 439.

November 17, 2003

TREASURER OF STATE

Recording and Transaction Fee Report, pursuant to 2003 Acts, Senate File 453.

November 18, 2003

DEPARTMENT OF PUBLIC SAFETY

2003 Annual Report — notification that the report in electronic form is available online.

IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

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

Review of Maintenance Contract, pursuant to Iowa Code section 8D.3.

December 1, 2003

DEPARTMENT OF REVENUE

Department of Revenue Tax Gap Compliance Project Annual Report.

December 2, 2003

DEPARTMENT OF CORRECTIONS

Legislative Response on Organic Farming — notification that the report in electronic form is available online.

IOWA UTILITIES BOARD

Report on rate-regulated electric utilities' multityear plans and budgets and recommendation of filing or emissions plans and budgets, pursuant to 2001 Acts, House File 577.

December 9, 2003

IOWA BOARD OF PAROLE

Report on Options to Improve Iowa's Criminal Justice System — notification that the report in electronic form is available online.

DEPARTMENT OF JUSTICE and DEPARTMENT OF REVENUE

Report on the collection of delinquent fines, fees, surcharges, and court costs, pursuant to 2003 Acts, Senate File 439.

December 11, 2003

DEPARTMENT OF HUMAN RIGHTS

2003 Annual Report for the Iowa Commission on the Status of African-Americans — notification that the report in electronic form is available online.

DEPARTMENT OF MANAGEMENT

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

December 15, 2003

STATE PUBLIC DEFENDER

State Public Defender Efficiency Report — notification that the report in electronic form is available online.

DEPARTMENT OF PUBLIC SAFETY

Security Needs at Iowa Lab Facilities — notification that the report in electronic form is available online.

December 16, 2003

IOWA VALUES FUND BOARD

Report to the General Assembly.

December 17, 2003

DEPARTMENT OF NATURAL RESOURCES

Oil Overcharge Restitution Programs Annual Report.

MUNICIPAL FIRE AND POLICE RETIREMENT SYSTEM OF IOWA

Annual Report for the FY ended June 30, 2003.

December 18, 2003

BOARD OF REGENTS

Annual Report on Sale of ISU Ankeny Experimental Farm — notification that the report in electronic form is available online.

DEPARTMENT OF EDUCATION

Report on the Student Achievement and Teacher Quality-Inclusion Study, pursuant to 2002 Acts, House File 2549.

DEPARTMENT OF HUMAN SERVICES

Report regarding special needs populations at state resource centers, pursuant to 2003 Acts, House File 667.

December 23, 2003

DEPARTMENT OF HUMAN SERVICES

Independent Living Services Annual Report, pursuant to 2003 Acts, House File 457.

IOWA WORKFORCE DEVELOPMENT

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

December 31, 2003

BOARD OF REGENTS

Annual Report on Technology Transfer and Economic Development, pursuant to 2003 Acts, Senate File 433.

DEPARTMENT OF HUMAN SERVICES

The Fatherhood, Marriage, and Family Supports Advisory Group Reports and Recommendations, pursuant to 2003 Acts, House File 667.

Mental Health and Developmental Disability System Redesign Report, pursuant to Iowa Code section 225C.6 and 2003 Acts, House File 529.

DEPARTMENT OF TRANSPORTATION

Iowa Airport Directory — notification that the report in electronic form is available online.

Study regarding Street Construction Fund Distribution — notification that the report in electronic form is available online.

January 2, 2004

TREASURER OF STATE

Tobacco Settlement Authority Financial Statements and Independent Auditors' Reports for the years ending June 30, 2002 and 2003, pursuant to Iowa Code section 12E.15.

January 5, 2004

DEPARTMENT OF HUMAN SERVICES

Report regarding plan for implementing an electronic billing and payment system for child care providers, pursuant to 2003 Acts, Senate File 453, section 48.

IOWA UTILITIES BOARD

Review of Utility Ratemaking Procedures, pursuant to 2003 Acts, Senate File 458.

January 6, 2004

DEPARTMENT OF CORRECTIONS

Iowa Corrections Offender Network Status Report — notification that the report in electronic form is available online.

DEPARTMENT OF TRANSPORTATION

Treasurer's Consultant Report, pursuant to 2003 Acts, Senate File 97.

January 8, 2004

DEPARTMENT OF NATURAL RESOURCES

Electronic Waste Management in Iowa — notification that the report in electronic form is available online.

January 9, 2004

DEPARTMENT OF CORRECTIONS

Community-Based Corrections Strategic Plan Report — notification that the report in electronic form is available online.

Vocational Education Programs for Inmates — notification that the report in electronic form is available online.

DEPARTMENT OF HUMAN SERVICES

Annual Report of the Healthy and Well Kids in Iowa (HAWK-I) Board, pursuant to Iowa Code section 514.I(7).

DEPARTMENT OF NATURAL RESOURCES

Report on Full-Size Off-Highway Vehicle Registration Program — notification that the report in electronic form is available online.

January 12, 2004

LEGISLATIVE OVERSIGHT COMMITTEE

Report of activities during the calendar year 2003, pursuant to 2002 Acts, Senate File 2325.

DEPARTMENT OF NATURAL RESOURCES

Strategy Report for Electronics Waste Management in Iowa, pursuant to Iowa Code section 455D.6(7).

AGENCY ICN REPORTS

July 8, 2003

IOWA CIVIL RIGHTS COMMISSION

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

November 6, 2003

DEPARTMENT OF PUBLIC HEALTH

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

December 1, 2003

DEPARTMENT OF EDUCATION

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

December 18, 2003

DEPARTMENT OF HUMAN SERVICES

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

DEPARTMENT OF HUMAN SERVICES—IOWA JUVENILE HOME

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

December 30, 2003

IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

January 6, 2004

DEPARTMENT OF JUSTICE—STATE COURT ADMINISTRATION

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

January 7, 2004

DEPARTMENT OF PUBLIC DEFENSE

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

January 9, 2004

BOARD OF REGENTS

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

IOWA COMMUNICATIONS NETWORK

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

ANNOUNCEMENTS OF APPOINTMENTS BY
THE PRESIDENT OF THE SENATE AND
SENATE MAJORITY AND MINORITY LEADERS

CHILD WELFARE SERVICE SYSTEM REDESIGN MONITORING COMMITTEE

(2003 Acts, Senate File 453, section 44)

Maggie Tinsman
Ken Veenstra
Jack Hatch

GROW IOWA VALUES BOARD

(Iowa Code section 15G.102)

Mark Zieman (term expires 4/30/2005)
William A. Dotzler, Jr. (term expires 4/30/2006)

JUDICIAL DISTRICT AND JUDICIAL RESOURCES STUDY COMMITTEE

(2003 Acts, Senate File 694, section 66)

Donald B. Redfern
Keith A. Kreiman

DNR REGULATIONS APPLICABLE TO CITIES AND COUNTIES STUDY
COMMITTEE

(2003 Acts, Senate File 453, section 29)

David Johnson
Ron Wieck
Dennis H. Black

PUBLIC RETIREMENT SYSTEMS COMMITTEE

(Iowa Code section 97D.4)

Julie Hosch
Paul McKinley
Mark Zieman
Mike Connolly
John P. Kibbie

SUPPLEMENTAL 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 names of officers and employees of the Senate for the Eightieth General Assembly, 2004 Session, and their respective classifications, grades, and steps:

| | | <u>CLASS</u> | <u>GRADE</u> | <u>STEP</u> |
|-----------------------------|------------------------|--------------|--------------|-------------|
| Admin. Asst. to Maj. Ldr. | Katie Koberg | P/FT | Grade 27, | Step 1 |
| Legislative Secretary | Janet Schwarz | S/O | Grade 15, | Step 2 |
| Legislative Secretary | Kyle McCullough | S/O | Grade 18, | Step 1 |
| Sr. Legis. Research Analyst | Dick Oshlo | P/FT | Grade 38, | Step 2 |
| Legislative Secretary | Josh Heggen | S/O | Grade 15, | Step 1 |
| Legislative Secretary | Josh Valdez | S/O | Grade 15, | Step 1 |
| Conf. Sec. to Secretary | Stacy Beattie | P/FT | Grade 27, | Step 4 |
| Admin. Sec. to Secretary | Ember Leonard | S/O | Grade 21, | Step 1 |
| Asst. to Legal Counsel | Donald Clarke | S/O | Grade 19, | Step 1 |
| Doorkeeper | James Douglas | S/O | Grade 11, | Step 2 |
| Legis. Committee Secretary | Heath Bartness | S/O | Grade 18, | Step 1 |
| Legis. Committee Secretary | Carla Batchelor-Caster | S/O | Grade 17, | Step 1 |
| Legis. Committee Secretary | John Good | S/O | Grade 18, | Step 1 |
| Legis. Committee Secretary | Katie McKibben | S/O | Grade 18, | Step 1 |
| Legis. Committee Secretary | Ellen Wagner-Kerber | S/O | Grade 18, | Step 1 |
| Legislative Secretary | Kristie Blunt | S/O | Grade 16, | Step 1 |
| Legislative Secretary | Martha Connolly | S/O | Grade 18, | Step 1 |
| Legislative Secretary | Catherine Engel | S/O | Grade 16, | Step 1 |
| Legislative Secretary | Charles H. McDonald | S/O | Grade 16, | Step 1 |
| Legislative Secretary | Phyllis Peterson | S/O | Grade 16, | Step 1 |
| Legislative Secretary | Greg Pklapp | S/O | Grade 18, | Step 1 |
| Legislative Secretary | Regan Roberts | S/O | Grade 17, | Step 1 |
| Legislative Secretary | Lynzey Tharp | S/O | Grade 18, | Step 1 |
| Legislative Secretary | Stephanie Wells | S/O | Grade 16, | Step 1 |
| Legislative Secretary | Mary Welter | S/O | Grade 16, | Step 1 |
| Page | Sarah Battani | S/O | Grade 9, | Step 1 |
| Page | Theresa Bittner | S/O | Grade 9, | Step 1 |
| Page | Dexter Chan | S/O | Grade 9, | Step 1 |
| Page | Lindsay Davis | S/O | Grade 9, | Step 1 |
| Page | Jeremy Dunkin | S/O | Grade 9, | Step 1 |
| Page | Carolyn Kistler | S/O | Grade 9, | Step 1 |
| Page | Krista Kreiman | S/O | Grade 9, | Step 1 |
| Page | Matt Kronlage | S/O | Grade 9, | Step 1 |
| Page | John Lande | S/O | Grade 9, | Step 1 |
| Page | Marguerite Moeller | S/O | Grade 9, | Step 1 |
| Page | Samara Pals | S/O | Grade 9, | Step 1 |
| Page | Amy Penniston | S/O | Grade 9, | Step 1 |
| Page | Maddison Sieck | S/O | Grade 9, | Step 1 |
| Page | Laura Thomas | S/O | Grade 9, | Step 1 |
| Page | Allison Vennerberg | S/O | Grade 9, | Step 1 |
| Page | Ashley Wilson | S/O | Grade 9, | Step 1 |

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 | Andy Warren | Step 2 to Step 3 Effective 1/04 |
| Sec. to Leader to Conf. Sec. to Ldr. | Vicki Iverson | Grade 19, Step 2 to Grade 27, Step 2 S/O to P/PT Effective 5/03 |
| Caucus Staff Director to Sr. Caucus Staff Director | Petricia Ward | Grade 38, Step 6 to Grade 41, Step 4 Effective 5/03 |
| Legis. Res. Analyst I to Legis. Res. Analyst II | James Friedrich | Grade 29, Step 5 to Grade 32, Step 3 Effective 1/04 |
| Legis. Research Analyst I | Tom Ashworth | Step 1 to Step 2 Effective 2/04 |
| Legis. Research Analyst I | Josh Bronsink | Step 1 to Step 2 Effective 3/04 |
| Legis. Research Analyst I | Daren Jaques | Step 1 to Step 2 Effective 2/04 |
| Legis. Research Analyst I | Kimberly Steenhoek | Step 1 to Step 2 Effective 2/03 |
| Legis. Research Analyst | Peter Matthes | Step 1 to Step 2 Effective 6/03 |
| Sr. Admin. Asst. to Ldr | Eric Bakker | Step 2 to Step 3 Effective 6/03 |
| Caucus Staff Director to Sr. Caucus Staff Director | Ron Parker | Grade 38, Step 6 to Grade 41, Step 4 Effective 9/03 |
| Conf. Sec. to Leader | Debbie Kattenhorn | Step 3 to Step 4 Effective 1/04 |
| Legis. Res. Analyst I to Legis. Res. Analyst II | Julie Simon | Grade 29, Step 5 to Grade 32, Step 3 Effective 1/04 |
| Legis. Res. Analyst I to Legis. Res. Analyst II | Kerry Wright | Grade 29, Step 4 to Grade 32, Step 2 Effective 7/03 |
| Legis. Res. Analyst I to Legis. Res. Analyst II | Rusty Martin | Grade 29, Step 5 to Grade 32, Step 3 Effective 8/03 |
| Legis. Research Analyst I | Bridget Godes | Step 1 to Step 2 Effective 3/04 |
| Research Analyst | Jace Mikels | Step 1 to Step 2 Effective 7/03 |
| Secretary of the Senate | Michael E. Marshall | \$96,179 to \$100,776 Effective 6/03 |

| | | |
|-------------------------------------|----------------|---|
| Sr. Finance Officer II | Linda Laurenzo | Step 4 to Step 5 Effective 6/03 |
| Finance Officer II | Lois Brownell | Step 5 to Step 6 Effective 6/03 |
| Sr. Journal Editor | K'Ann Brandt | Step 3 to Step 4 Effective 6/03 |
| Editor I | Janet Hawkins | Step 4 to Step 5 Effective 6/03 |
| Asst. Journal Editor to Editor I | Megan Thompson | Grade 19, Step 3 to Grade 22, Step 1 Effective 6/03 |
| Sr. Indexer | Kathy Olah | Step 3 to Step 4 Effective 6/03 |

STEWART E. IVERSON, JR. Chair

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: January 12, 2004, 9:45 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Dvorsky, Gaskill, Ragan, and Sievers.

Members Absent: Drake and Wieck (both excused).

Committee Business: Discussion regarding reports needing committee approval.

Adjourned: 9:50 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2001, by Fraise and Courtney, 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 **Rules and Administration**.

Senate Resolution 101, by Kibbie and Warnstadt, a resolution urging congressional action to allow all eligible veterans to receive concurrently both their full military retired pay and military disability compensation.

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

Senate Resolution 102, by Kibbie and Warnstadt, a resolution urging increased resources to ensure greater access to veterans administration hospitals.

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

INTRODUCTION OF BILLS

Senate File 2001, by Putney, a bill for an act relating to bicycles on primary highways and providing a penalty.

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

Senate File 2002, by Brunkhorst, a bill for an act relating to the regulation of target shooting near buildings and feedlots.

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

Senate File 2003, by Brunkhorst, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

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

Senate File 2004, by Johnson, a bill for an act relating to requirements for securing children transported in motor vehicles and making a penalty applicable.

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

Senate File 2005, by Warnstadt, a bill for an act exempting a nonprofit corporation that is a judgment creditor from the seventy-day period of limitation for the return of an execution in garnishment.

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

Senate File 2006, by Zieman, a bill for an act relating to the residency of a district judge upon appointment.

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

Senate File 2007, by Putney, a bill for an act relating to the use of certain commitments and responses collected from candidates for public office, and applying a penalty.

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

STUDY BILL RECEIVED

SSB 3001 **Ways and Means**

Exempting certain environmental test laboratory services from the state sales and use taxes.

SUBCOMMITTEE ASSIGNMENT

SSB 3001

WAYS AND MEANS: McKibben, Chair; Dotzler and Shull

JOURNAL OF THE SENATE

SECOND CALENDAR DAY
SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 13, 2004

The Senate met in regular session at 8:39 a.m., President Kramer presiding.

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

The Journal of Monday, January 12, 2004, 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 January 12, 2004, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 101, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Tuesday, January 13, 2004, at 10:00 a.m.

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

House Concurrent Resolution 102, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Wednesday, January 14, 2004, at 10:00 a.m.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:41 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:45 a.m., President Pro Tempore Angelo presiding.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 101, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Tuesday, January 13, 2004, at 10:00 a.m.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 102, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Wednesday, January 14, 2004, at 10:00 a.m.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

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

House Concurrent Resolution 101

On motion of Senator Iverson, **House Concurrent Resolution 101**, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Tuesday, January 13, 2004, at 10:00 a.m., with report of committee recommending passage, was taken up for consideration.

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

House Concurrent Resolution 102

On motion of Senator Iverson, **House Concurrent Resolution 102**, a concurrent resolution designating that a joint convention of the two houses of the 2004 session of the Eightieth General Assembly be held on Wednesday, January 14, 2004, at 10:00 a.m., with report of committee recommending passage, was taken up for consideration.

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

INTRODUCTION OF RESOLUTION

Senate Resolution 103, by committee on Rules and Administration, a resolution honoring Senate President Mary Kramer.

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

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: LSB 5586SV, a resolution honoring Senate President Mary Kramer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

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

Senate Resolution 103

On motion of Senator Iverson, the following resolution was taken up for consideration:

1 SENATE RESOLUTION 103
2 By: Committee on Rules and Administration
3 A resolution honoring Senate President Mary Kramer.
4 WHEREAS, Senate President Mary Kramer is resigning
5 from legislative office after completing 13 years of
6 service as a Senator to serve as United States
7 Ambassador to the West Indian nation of Barbados; and
8 WHEREAS, Senator Kramer's distinguished career as a
9 state legislator has included service as President of
10 the Senate for the Seventy-seventh General Assembly
11 through the first half of the Eightieth General
12 Assembly, and as an Assistant Minority Leader during
13 the Seventy-fifth and Seventy-sixth General
14 Assemblies; and
15 WHEREAS, Senator Kramer's legislative career has
16 also included service as Vice Chairperson of the Rules
17 and Administration Committee, as Vice Chairperson of
18 the Appropriations Committee, and as Ranking Member on
19 the Education Committee; and
20 WHEREAS, Senator Kramer has served on many other
21 standing committees and appropriations subcommittees
22 throughout her years of Senate service and has been an
23 influential and dedicated legislator in this state;
24 and
25 WHEREAS, Senator Kramer has sponsored and been
26 instrumental in the passage of Iowa legislation
27 relating to student achievement and teacher quality
28 and to the development and strengthening of human
29 resources in this state; and
30 WHEREAS, Senator Kramer has served honorably and

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1 has unselfishly given of her time and efforts to
2 further the interests of the State of Iowa and to
3 provide beneficial programs for the citizens of Iowa;
4 NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate pay
6 tribute to Senate President Kramer for her devoted
7 service to the Iowa General Assembly and the citizens
8 of this state, extend its congratulations upon her
9 appointment and confirmation as United States
10 Ambassador to Barbados, express its pride at having an
11 Iowa Senator named a United States ambassador, and
12 wish her the very best in the years ahead in all her
13 endeavors; and
14 BE IT FURTHER RESOLVED, That an official copy of
15 this Resolution be prepared and presented to Senate
16 President Kramer.

The Senate rose and expressed tribute to Senator Kramer.

Senator Iverson moved the adoption of Senate Resolution 103, which motion prevailed by a voice vote.

Senator Kramer approached the well of the Senate where she was presented a gift in appreciation of her service and an enrolled copy of Senate Resolution 103.

Senator Kramer addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

IMMEDIATELY MESSAGED

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

The Senate stood at ease at 9:09 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session 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 101, duly adopted, the Senate proceeded to the House chamber under the direction of the Secretary of the Senate and the Sergeant-at-Arms.

JOINT CONVENTION

The joint convention convened at 9:55 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 notify Governor Thomas J. 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 Lamberti, Boettger, and Kibbie on the part of the Senate, and Representatives Klemme, Jacobs, and Shomshor on the part of the House.

Secretary of State Chet Culver, Treasurer of State Michael L. Fitzgerald, Secretary of Agriculture Patty Judge, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

Chief Justice Lavorato and the Justices of the Supreme Court and Chief Judge Sackett and the Judges of the Court of Appeals were escorted into the House chamber.

Lieutenant Governor Sally J. Pederson was escorted into the House chamber.

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

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

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

Thank you, Madam President—perhaps I should say, “Your Excellency,” which is the appropriate title for a newly appointed and confirmed ambassador. Senator Kramer, all of Iowa takes pride in your appointment and confirmation and we wish you Godspeed in your new endeavor. Thank you, Mr. Speaker, and members of the General Assembly for your kind invitation to share my thoughts about the condition of our great state. I should, also, express appreciation for the sacrifice each member of the General Assembly makes, spending time away from family and community in service to the people of Iowa. Thank you, as well, to the Chief Justice and members of our state appellate courts for your attendance here today and your service every day. Finally, let me acknowledge statewide elected officials, specifically the Lieutenant Governor, Sally J. Pederson, and my first and only lady—Iowa's First Lady—Christie Vilsack, accompanied by our sons, Jess and Doug, for the effective work you all do to make Iowa a better place to live, to work, and to raise a family.

My fellow Iowans, today across our state, our nation, and the world, Iowans raised with a deep sense of responsibility—trained to put service above self and unafraid to sacrifice to secure a greater good—live and lead lives of service—educating, healing, protecting, and defending—daily helping all of us in ways we may not know or comprehend.

The effort of these unsung heroes should inspire and motivate us to follow their example by making a difference with the opportunities we have been blessed to receive.

A hero who inspires me is B. J. Jackson—specialist B. J. Jackson—a proud member of the Iowa National Guard. At the call of his country, B. J. left his wife, Abby, and his daughter and stepdaughter and traveled to Iraq to fight tyranny and terrorism. Shortly, after he arrived in Iraq, B. J. sustained serious and disabling injuries while on patrol. B. J. lost both of his legs below the thigh and suffered third-degree burns to his face and hands. After spending time in treatment and therapy, B. J. came home to the United States and received his Purple Heart. As the medal was pinned to his chest, B. J. painfully stood at attention. No one, including his commanding officer, would have objected if B. J. had chosen to sit, but he stood.

I experienced the honor of meeting this brave Iowan. I asked this soft-spoken, humble soldier why he stood. He explained simply, but profoundly, “out of respect for all the men and women who serve and sacrifice.” And he added, “If they'd let me, I'd go back.”

B. J. joins many other Iowans, including those recently injured from mortar attacks, doing their duty for freedom and liberty. Some, like B. J., return but will never be the same. Some will never return. With their ultimate sacrifice the names of Jeffrey Bohr, Michael Deutsch, Paul Fisher, Kurt Frosheiser, David Kirchoff, Brad Korthaus, Kenneth Nalley, Aaron Sissel, and Bruce Smith—Iowans recently killed in the service of our country—will forever be on the honor roll of heroes who spent their lives making a difference in a cause much larger than themselves.

Today in this magnificent state capitol, let us follow the lead of B. J. Jackson by standing out of respect for all those who serve and sacrifice and express our full appreciation for their sacrifice.

In the face of such supreme and extraordinary sacrifice, a reciprocal duty and responsibility arises in each of us. We, too, are called to a life of service and sacrifice.

Although to a degree much less severe, our challenge in Iowa mirrors the challenge our nation assumed in Iraq and Afghanistan. There, schools, libraries, and hospitals must be opened. Here, our schools and libraries must be constantly improved and health care made more affordable and accessible. There, local security forces must be formed. Here, police officers and firefighters must be better supported. There, an economy must be built to create quality of life. Here, an economy must be transformed to support quality of life.

There and here, resources are needed to make any and all of this happen. Despite large deficits, Congress and the administration in Washington, D.C., recognized the importance of the work to be done in Iraq and Afghanistan and found the resources to make sure the job gets done. American financial assistance acts as a bridge between the Iraq and Afghanistan of now and the free and self-supporting Iraq and Afghanistan of tomorrow.

In Iowa, we face a similar choice. A sluggish economy, a jobless recovery, and zealous tax reductions when times were better help to create a significant gap between available resources and investments needed to support our values and meet our needs in education, health care, and public safety and security—the foundation of a transformed Iowa. We, too, need a financial bridge that will enable us to strengthen that foundation and maintain the momentum of recent transformation efforts.

Recently, the Lieutenant Governor and I conducted a series of public hearings across the state to listen to Iowans express their concerns and their hopes about our budget and the priorities it would establish for our collective future. From Dubuque to Sioux City, the message from the people was clear and consistent—we must maintain Iowa's excellence in education, we must ensure access to quality healthcare, we must protect essential local services, and we must hold the line on local property taxes.

In communities across this great state, teachers, administrators, school board members, business leaders, and, most importantly, parents urged us to not risk Iowa's national standing as a K-12 educational leader and recent advances in student achievement by seemingly only trying to cut our way out of budget difficulties.

People who were born and raised here, and people who moved to Iowa to take advantage of our quality education system, warned us that our failure to adequately

fund our schools will lead to more teacher and staff layoffs, larger class sizes for our students, and less educational opportunities for our children.

Deb Henry, a third grade teacher from Ankeny, brought the threat into clear focus when she catalogued the meager supplies she would receive for her 176 students next semester: 1 box of number two pencils, 12 pencils to a box; 10 boxes of crayons, 16 crayons to a box; 3 packets of construction paper, 50 sheets to a packet; and 5 glue sticks.

We understood better the limitations on learning when Desira Johnson, a parent at the Ankeny hearing, held up this 1984 textbook used today to teach her child and her classmates about the world around them. Our children will experience difficulties understanding our complex world if they must continue to rely on textbooks that teach of a place which no longer exists—the Soviet Union.

With us today is a young lady, Erin Smalley. She is from Johnston. Erin wrote an essay entitled “A Passion for Education.” I want to share a portion of that essay with you today because it will underscore the importance of maintaining educational excellence. Erin wrote about William Butler Yeats, an Irish poet, who won the Nobel Prize for literature in 1923.

Yeats once said, “Education is not the filling of a pail, but the lighting of a fire.” The first part of Yeats’ quote states education is not the filling of a pail. I believe it means this: education is not just putting information and knowledge into someone’s mind. You can’t dump fact after fact after fact into someone because it will just go in one ear and out the other. Putting a lot of information into someone’s head is just like filling a pail with a lot of water. It will probably just sit there, but it won’t sink in. That is why education means something more. The rest of the quote says; “...but the lighting of a fire.” I believe this makes education all about enlightening students and making them wonder. To light their fires, to make them want to learn more, to build a passion for what they are being taught. When they have an interest, then they go for it. When kids are given an education they discover a passion for something important to them and they will go higher and higher and never give up on their dreams. When the light goes on, that is when they start to discover and to learn. That is when education is most important because then it will hopefully become a turning point in their life. Everyone should get to go to a free school and learn new things. I want every kid to have a passion for something and to be able to have a chance to pursue their dreams. I want every kid to get the chance because it is not only fair, it is something necessary. I hope that having an education will light all the flames and not just fill all the pails.

Erin, I want to speak directly to you today. I want to tell you that as your Governor, I am going to do everything I possibly can to make sure that fire remains lit for as long as you and your classmates are in school. The light will remain lit.

As dedicated teachers and parents advocated for children, I realized that someone needed to advocate for the teachers and staff—people who lead lives of service. The duty belongs to the governor and legislators as leaders of a state that prides itself on

its schools and educational opportunity. The fact remains that supplies, textbooks, or the most sophisticated technology mean very little unless we have quality teachers and staff.

This duty extends beyond K-12 and includes advocating for higher education as well. Without support, our colleges and universities will not attract the quality of faculty or staff required to maintain academic excellence on our campuses unless they continue to rely on higher tuitions, which price too many out of opportunity.

Public concerns were not limited to teachers and educators. Nurses, hospital workers, healthcare professionals like chiropractors and pharmacists, mental health advocates, and people with disabilities, all expressed concerns about our healthcare.

Our state ranks in the top six states for quality healthcare, according to the Center for Medicare and Medicaid, and we can take pride in the fact that more than 90 percent of all Iowans and 94 percent of all Iowa children have healthcare security. However, without continued investments in our Medicaid program for seniors and low-income persons with disabilities and our children's health insurance program, access to critical services will be denied to Iowans most in need. Cheryl Jones, a nurse from Bloomfield, confirmed at the Ottumwa hearing that this occurs today in some rural areas of our state.

With frequent changes to the nation's homeland security threat level, we need no reminder of the importance of quality, adequately staffed, trained, and equipped local law enforcement officers, firefighters, and first responders. At every public hearing, those on the frontline of homeland security, like firefighter Chris Sorenson from Council Bluffs—also with us today—outlined the negative impact on security efforts resulting from state cuts in support to local governments. As layoffs occur in critical security positions and as training and equipment purchases are delayed or deferred at the local level, the question can appropriately be asked of us—given the magnitude of the risk, from terrorism to meth labs, can we afford to be understaffed, untrained, and ill equipped?

Yesterday, at my instruction, the Department of Management furnished each member of the General Assembly a budget based on revenues as they are. A budget, which if passed, will confirm the fears and ignore the priorities of the hundreds of Iowans we heard during our public hearings. A budget, ladies and gentlemen, after all, is not just a set of numbers. Our budget should reflect our values, demonstrate our priorities, and positively affect people's lives.

Let me be as clear as I can be. A budget based solely on available revenues will underfund education at every level and fail to meet our basic responsibility to provide our children with great schools, colleges, and universities. With it, we run the risk of extinguishing the flame of passion for education, a return to declining student achievement and test scores, and a continuation of higher tuitions eliminating for some the dream and the opportunity of a higher education.

A budget based solely on available revenues underfunds healthcare and fails to keep faith with the Iowa promise of healthcare security for seniors needing nursing homes, for people with mental illness or physical disabilities needing specialized care, and for uninsured children.

A budget based solely on available revenues underfunds property tax credits and local government support and fails to strengthen the relationship between state and local government. With this budget, the deal for Iowans from local government is simple—higher property taxes and fewer critical services—pay more, get less.

We must not turn our backs on our children, our seniors, our friends and neighbors with disabilities—on all Iowans. We can and we must do better.

The budget we enact at this critical juncture for our state must protect our priorities, preserve our values, and promote the greater good and the better tomorrow for all of us. Our budget must reflect the people's interest, not the special interest. Guided by fairness and equity, our budget may ask some to sacrifice more for the betterment of all.

To bridge the gap between revenues and our priorities, I propose a three-step plan based on simple fairness and equity, and not one based on an income or sales tax rate increase.

Step one. Modernize the sales tax system by expanding the base of services subject to tax and lowering over time the overall sales tax rate—an approach suggested last year by Speaker Rants. We would generate sufficient revenue to increase support for all levels of education in the short term, while reducing taxes for most Iowa families in the long run. This approach builds upon what we started last year in modernizing our property tax system and remains consistent with fair and equitable tax policy of broadening the base and lowering the rates.

Step two. Today in Iowa, we all pay for smoking-related illnesses through taxes and higher insurance premiums. We pay more for the treatment of smoking-related illnesses than we receive from those who smoke. We need to correct this inequity by better balancing what we receive with what we spend. An increase in what smokers pay to smoke—an idea advanced last year by Senate Republican leaders—will create better balance, while generating the revenues to keep faith with those who need health care.

Step three. By simply closing tax loopholes and ending unfair preferences, we will collect sufficient revenues to fully fund property tax credits. Property owners would receive the full benefit of the credits lowering their property taxes without a cut in essential services.

I will submit a budget this week that provides details, but let me outline the impact of what I propose today.

Our sales tax system reflects a 20th century economy centered more on goods being sold than services being provided. The narrow base of activities subject to tax means most of us pay a higher rate than we need to. By extending sales tax to services like engineering, surveying, accounting, consulting, and the like, we can better align the system to the economy of today. With an expanded base, we can systematically over time reduce the rate of tax on all transactions by 15 percent over the next four years.

The additional revenues collected during the period where rate reduction is phased in can act as a bridge to better times and will enable us to more adequately fund education.

Under the approach I offer, state support for schools would increase by \$131 million. We would fully fund this year's allowable growth, including restoring state funds cut from last year's budget. We would continue and, in fact, expand the teacher compensation/student achievement effort started two years ago. State resources would act as an incentive for local districts to reduce administrative costs and redirect those savings into greater support for teacher compensation and professional development. Important efforts to reduce class sizes, improve reading, and prevent dropouts would continue without interruption. New efforts to meaningfully tackle the achievement gap among minority students could be launched in places like Waterloo and Sioux City.

What does it mean for schools? —more and better-qualified teachers and smaller class sizes. For our children, it means better learning opportunities. For our state and future, it means a more educated and productive workforce to meet the challenges of a 21st century global economy.

Additional funds would also be available for empowerment and early childhood education. If we are serious about leaving no child behind, we must ensure that no child starts behind.

Higher education would also benefit. Community colleges would receive increased state aid. The Regent's universities would receive support to fully fund faculty and staff salaries. Students relying on the Iowa Tuition Grant program would receive additional help with tuition costs. Quality higher education would remain affordable for working families.

Finally, resources would also be available to better support the tuition assistance program for National Guard members, which will aid in recruiting and retaining soldiers, airmen, and airwomen in Iowa.

Bottom line, under this sales tax modernization proposal: a few will pay more, most will pay less, and all will benefit as Iowa remains an education leader. Most importantly of all, our children will enjoy the fruits of educational excellence as they grow up and become the leaders and heroes of tomorrow.

No doubt exists that smoking costs all of us and kills too many of us. Fairness and equity dictate that smokers should assume more of the responsibility of the costs of smoking-related illnesses. As they do, research tells us fewer children will begin smoking and more lives will be saved.

With a 60-cent increase in the cost of every pack of cigarettes, resources will be freed up to keep faith with seniors and veterans and their long-term care needs. We can begin weaning ourselves from reliance on the senior living trust to help fund nursing home care. This fund can be preserved longer for its primary purpose of financing in-home care. The dignity and independence of seniors—an Iowa tradition—can be expanded and not curtailed.

Additional investments will be made to our children's health insurance effort and to more adequately fund substance abuse treatment and smoking prevention efforts.

In response to the Legislature's charge, the Mental Health Developmental Disabilities Commission issued a blueprint for redesigning the entire system of services for adults with disabilities.

Their recommendations will ensure basic quality services statewide to support Iowans with mental retardation, mental illness, developmental disabilities, and brain injury to live to their God-given potential.

Revenue will now be available to begin to fund the commission's recommendations and bring hope to those facing mental and physical challenges.

At the same time, the growing crisis in which tens of thousands of Iowa's children and seniors fail to get even simple routine dental care can be addressed. If children of low-income families or seniors cannot get to a dentist's office, we will bring the office to them and their schools and community centers. These mobile offices will provide routine but necessary dental care that will improve health outcomes.

A few will pay more to offset the costs paid by all, and our most vulnerable citizens will be assured of health care security.

Today, some avoid the payment of their fair share of the costs of essential services and some receive the benefit of property tax credits actually designed for others. A number of corporations, particularly non-Iowan, out-of-state corporations, shift income and expenses to avoid paying millions of state taxes owed here. At the same time, the ag land tax credit (against property taxes), designed for those who farm the land, is also available to those who own the farmland but allow others to farm it. Providing these credits to absentee landlords costs the state millions of dollars.

This corporate loophole should be closed, and this special preference for absentee landowners should be ended. The revenues and savings should be dedicated to more fully funding local property tax credits and services assisting local governments. Bottom line, while a few may pay more, most will pay less, and essential services protecting our families and communities will continue.

Even with the approach I've outlined, some areas of state government will receive less and more areas of sacrifice will be required. Efforts begun four years ago to reduce the size of state government and to improve efficiency and effectiveness must continue. Budgets and workforces have been cut and more may be required, but I am confident in the commitment and ability of those working for us in state government to get the job done and to get it done well.

With a people's budget and a common-sense bridge approach to financing it, our responsibilities will be met and our priorities will be preserved in the short term. But this will not do over the long term unless we continue the work begun over the last four years to transform our economy.

Before I talk about continued efforts to transform our economy, I want to talk about a transformation of a different type—the transformation of the heart. Bullying and harassment takes place in too many of our schools. No one has the right to harass or bully because of the color of one's skin, one's nationality, the language one speaks or the language one does not speak, a person's religion, a person's politics, a person's appearance, or of a person's perceived or real sexual orientation. Every child deserves a safe haven at school to learn and to grow. Teachers, administrators, and staff must guarantee that safe haven, and schools must be held accountable when bullying or harassment takes place. I will present to the General Assembly legislation that will

require that degree of accountability, and I respectfully ask for your consideration and support.

All around the state, evidence of change in our economy exists. The construction of new power facilities, expansion of high-speed Internet to many areas of the state, a doubling of ethanol production facilities, the commencement of bio diesel and bio-mass energy production, the building of the new beef harvesting facility at Tama, the creation of the Plant Science Center at Iowa State University, the establishment of state and local venture capital funds, and the locating of the nation's largest wind energy project reflect the emergence of the transformed Iowa 21st century economy.

The Grow Iowa Values Fund represents a major effort to continue our collective effort to transform the Iowa economy. In less than a year and with funding only guaranteed for two years, the Values Fund began to stabilize manufacturing jobs threatened by overseas competition, to create thousands of good-paying opportunities in the financial services and insurance sector, and to form Iowa's special niche in the growing bio-economy. From Lenox in Marshalltown to Wells Fargo in West Des Moines and Des Moines to Trans Ova in Sioux Center, interest—enthusiasm—in Iowa opportunities continues to grow. Last year at this time, our Department of Economic Development listed 60 potential projects in the pipeline. Today, that number has quadrupled to 240 potential projects.

The vital work of the Grow Iowa Values Fund must continue, but under its current structure, assurances for funding remains guaranteed for only two of the seven years of the fund. Initial investments have been made in Iowa's growth. With the investment from the fund, 3,557 new, good-paying jobs will be part of our future, and almost 1,000 good-paying jobs already part of our economy will be retained. These new opportunities will generate over the next decade more than \$2 billion of additional income for Iowans and an additional \$197,000,000 annually in support of better schools for our children, accessible healthcare for seniors and veterans, and available fire and police protection when we need it for our families and communities.

The timid and the hesitant never lead a transformation. The better future belongs to those who have faith in that future. Members of the General Assembly, finish the good work you started last year by eliminating any conditions on future funding for the Values Fund. Guarantee these funds for the full seven years of the program—and watch our state grow.

Four years ago, members of the General Assembly—including many that are here today—reflected a strong belief in our future by expanding the successful Community Attractions and Tourism program into the Vision Iowa program. This effort fueled a transformation of 119 communities into cultural and recreational centers. In Gladbrook, Iowa, I've seen a refurbished theatre providing family entertainment while acting as a powerful symbol of a small community's desire to remain strong. I've seen the America's River project, a celebration of the Mississippi River's many gifts to all of us, in Dubuque; the Tyson events Center in Sioux City; the Mid-American Convention Center in Council Bluffs; and the steam-powered carousel in my hometown, Mt. Pleasant—projects border to border and places in between encourage people from outside Iowa to enjoy a wide variety of cultural and recreational treats. These tourists and thousands like them will help spur the local and state economy. In addition, these programs led to thousands of good-paying construction jobs and permanent jobs operating and managing the facilities.

The success of the CAT and Vision Iowa programs and the wonderful variety of artistic, cultural, and recreational experiences in our state deserve recognition and celebration. It is in uncertain times like ours that we seek pleasure, solace, and instruction in the arts and humanities. A vibrant society gains meaning and direction from its creative thinkers. We should celebrate and appreciate the impact arts, culture, and recreation play in our lives during this year—2004—The Year of the Arts, Culture, and Recreation in Iowa. Studies show that creativity spurs economic growth. Breakthroughs in understanding are essential to the task of building a world of opportunity. Creative thinking, the hallmark of Iowa's success, will lead us to a more dynamic future.

We should not and we must not be satisfied with what has been done with CAT and Vision Iowa. We must focus on what more can be done if these programs continue and expand.

We are blessed with breathtakingly beautiful open spaces and wonderful streams, rivers, and lakes. These natural resources should also be celebrated and more fully utilized.

Last year thousands of Iowans participated in a consensus-driven process to improve water quality that culminated in the water quality summit in Ames, Iowa. Summit participants identified many ways in which we could improve water quality with the ultimate goal of eliminating any impaired waters within our state.

From the summit, there was broad consensus that our approach must be based on a respect for the natural lay of our land, rather than artificial boundaries. As such, we must develop a watershed approach—locally led and locally based—to enable a holistic approach to improving water quality and targeting high-priority watersheds. The summit confirmed what we suspected: that existing efforts must be better coordinated and better focused on those targeted areas for improvement. Our collective work to initiate a comprehensive water-monitoring program has greatly enhanced our efforts, but it must be continued and expanded. It was also evident from the summit that additional research is necessary to enhance our ability to improve water quality.

Living in Iowa—living in this great state—means accepting responsibility for preserving and protecting our natural resources. Every one of us should engage in the effort to preserve our soil and protect our air and water. Our state budget in every year, even in years of tight budgets, must reflect that responsibility.

Our ability to continue transformation depends on our ability to improve quality of life in Iowa. We sometimes fail to recognize how important the environment is to our quality of life. We must continue to invest in the protection of our natural resources—to be true to our heritage and our name. Iowa—a beautiful land.

To that end, I recommend that we increase in our commitment to the Environment First Fund. We should also extend Vision Iowa and CAT by \$150 million to come from additional bonding and to be repaid from the Rebuild Iowa Infrastructure fund. With interest rates low and the state's exceptional bond rating, the time will never be better. Repayment from RIIF ensures no conflict with the important educational, healthcare, and security needs of our general fund. These resources should be committed to protection and preservation of our natural resources, with an emphasis on improving

water quality and to expand our understanding of the environment and the important role it plays in transforming Iowa.

Today and for the foreseeable future, Iowans will be placed in harm's way in the service of liberty and freedom. Their task of improving the world in which we all live is our task as well. In our work at home, we should draw inspiration and motivation from them to do our duty.

While they make the world safer, we must make our schools better, our healthcare more accessible and affordable, our families and communities more secure, our environment cleaner, and our economy stronger. They sacrifice to transform a nation and open up opportunity for someone else's child. We sacrifice to transform a state and open up opportunity for their children and our children.

They will not fail the world. We must not fail them or ourselves.

God bless these brave young men and women — our troops here and abroad—and all those who serve and sacrifice for others. God bless our great nation, and God bless the great state of Iowa.

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

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 10:54 a.m. upon the dissolution of the joint convention until 8:30 a.m., Wednesday, January 14, 2004.

The Senate returned to the Senate chamber.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 12, 2004

DEPARTMENT OF HUMAN SERVICES

Report regarding a chronic care pilot program, pursuant to 2003 Acts, House File 619.

IOWA UTILITIES BOARD

Annual report on the status of utility customer contribution funds, pursuant to Iowa Code section 476.66(6).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: January 13, 2004, 3:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: McCoy and Putney (both excused).

Committee Business: Organizational meeting.

Adjourned: 3:10 p.m.

ECONOMIC GROWTH

Convened: January 13, 2004, 1:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Stewart, and Veenstra.

Members Absent: Lamberti and Seymour (both excused).

Committee Business: Discussed committee bills from previous year.

Adjourned: 1:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 13, 2004, 1:00 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Ziemán.

Members Absent: Black (excused).

Committee Business: Organizational meeting.

Adjourned: 1:20 p.m.

RULES AND ADMINISTRATION

Convened: January 13, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved resolution honoring Senator Mary Kramer.

Adjourned: 8:40 a.m.

TRANSPORTATION

Convened: January 13, 2004, 2:10 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, Warnstadt, and Ziemán.

Members Absent: McCoy, Ranking Member; and Iverson (both excused).

Committee Business: Organizational meeting and subcommittee assignment.

Adjourned: 2:25 p.m.

STUDY BILLS RECEIVED

SSB 3002 Agriculture

To express support for the implementation of a system which identifies and traces livestock for purposes of controlling the outbreak of diseases in livestock populations, to ensure the wholesomeness of food products originating from livestock, and to maintain consumer confidence in the livestock industry.

SSB 3003 Appropriations

Relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2001**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 101

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 102

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2001

TRANSPORTATION: Putney, Chair; Dearden and Drake

Senate File 2007

STATE GOVERNMENT: Shull, Chair; Dearden and Drake

SSB 3002

AGRICULTURE: Johnson, Chair; Kibbie and Ziemann

SSB 3003

APPROPRIATIONS: McKibben, Chair; Bolcom and Tinsman

JOURNAL OF THE SENATE

THIRD CALENDAR DAY
THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 14, 2004

The Senate met in regular session at 8:37 a.m., President Kramer presiding.

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

ELECTION OF PRESIDENT

President Kramer announced that she had submitted a letter of resignation from the office of the President of the Senate effective upon the election of the new President.

Senator Iverson placed in nomination the name of Senator Jeff Lamberti of Polk County as a candidate for the office of President of the Senate for the remainder of the Eightieth General Assembly.

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

The Chair announced that Senator Lamberti had been elected President of the Senate for the remainder of the Eightieth General Assembly.

The Chair requested Senators Putney, Lundby, and Dearden to escort Senator Lamberti to the rostrum.

Senator Lamberti appeared, took the oath of office, was congratulated, and was presented the gavel by Senator Kramer.

President Lamberti took the Chair and gave the following remarks:

First, I want to acknowledge that I have big shoes to fill. Senator Kramer has been an excellent role model and mentor. I will personally miss her leadership, as will the entire Senate. Mary, I echo the praise that we have heard for your service to the people of Iowa, and I will only add my simple farewell: Good luck, Godspeed, and a heartfelt thank you.

I also want to take a moment to thank my family—Shannon, Meredith, and Domenic—without your love and support I would not be here today.

I am also pleased to have the opportunity to thank my law partners and coworkers—several of whom are here today—for their patience, hard work, and support.

When I think about accepting this position, three words come to mind: honor, privilege, and opportunity.

I am honored my peers would elect me, and trust me, to direct this historic chamber. It is a responsibility that I do not take lightly.

I am privileged, as always, to represent the citizens of Iowa and now you, my colleagues.

I am prepared to grasp this opportunity to lead us in setting an agenda to make Iowa a better place for us and our children.

My priority as President of the Senate is quite simple. It's Iowa and its people.

To better position us for a brighter future, I want to promote this state and excite our citizens.

We have the opportunity to take bold new ideas that are the priorities of our people and make them a reality. We are not on the edge of an abyss. We are at a crossroads—a crossroads of change.

The people of Iowa expect their leaders to provide ideas that will move us forward to a brighter future, but what they want is not elusive or unachievable. They want:

- Jobs that will allow working parents to own their homes and provide a safe, nurturing environment for their children;
- Jobs that will keep Iowa's best educated here and draw those who have left back for the quality of life we can provide here;
- Compassion for those who have experienced hardship, by giving them a helping hand until they are on their feet again;
- Understanding of our seniors and those with disabilities, and continued efforts to meet their needs; and
- Protection of our natural resources in a manner that will allow industry and the environment to coexist.

To accomplish these goals we must:

- Provide for our future workers, our children, with the best education that we can provide;
- Create an environment that allows businesses the flexibility to grow and prosper;
- Provide our workforce the opportunities for retraining and lifelong learning; and
- Lessen the burden of state government on working families and small businesses, by demonstrating that government can live within its means.

Finally, we must continue to provide our citizens the quality of life that separates Iowa from the rest—quality education, crime-free cities, clean air, and clean water. These are the qualities that make Iowa great.

I know that all of you share my goals for Iowa, and I trust we can reach common ground and provide our citizens the best we have to offer. That is our challenge and our obligation. I look forward to working with each and every one of you to make Iowa a better place.

Thank you.

The Senate stood at ease at 8:53 a.m. until the fall of the gavel.

The Senate resumed session at 9:47 a.m., President Lamberti presiding.

COMMITTEE FROM THE HOUSE

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

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

JOINT CONVENTION

In accordance with law and House Concurrent Resolution 102, duly adopted, the joint convention was called to order at 9:53 a.m., President Lamberti 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 Lamberti 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 Iowa Judiciary Message.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Putney, Zieman, and Dvorsky on the part of the Senate, and Representatives Tymeson, Tjepkes, and Jacoby 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 Redfern, McKibben, and Fraise on the part of the Senate, and Representatives Maddox, Jim Van Fossen, and McCarthy on the part of the House.

Secretary of State Chet Culver, Treasurer of State Michael L. Fitzgerald, Secretary of Agriculture Patty Judge, Auditor of State David A. Vaudt, and Attorney General Tom Miller were escorted into the House chamber.

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

Lieutenant Governor Sally J. Pederson was escorted into the House chamber.

Mrs. Janis Lavorato, wife of the Chief Justice; his sons, Anthony and Dominick Lavorato and Dominick's fiancée, Lori Wilson; his stepdaughter, Jenna Green; his sister-in-law, Delayne Johnson, and her friend, Gary Kiehl; and his brother-in-law, Edward Busing, were escorted into the House chamber.

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

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

President Lamberti then presented Chief Justice Louis A. Lavorato, who delivered the following Condition of the Judiciary Message:

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

On behalf of all judges and court personnel, I want to thank the General Assembly for the invitation to talk about the condition of the Iowa Judicial Branch. Before I begin, I would like to invite you to join us for refreshments and conversation downstairs in the courtroom following my remarks.

I also want to acknowledge the newest member of the Iowa Supreme Court, Justice David Wiggins, and our newest chief judge, David Schoenthaler of the Seventh Judicial District. I also want to recognize our new state court administrator, David Boyd, who succeeds William O'Brien. Mr. O'Brien retired last summer after ably serving the Court and the state for more than thirty-two years.

Today, we mark an important milestone. From this podium twenty-five years ago, Chief Justice Ward Reynoldson delivered Iowa's first State of the Judiciary Address. Over the years, this report has come to serve four important purposes:

- It symbolizes the judiciary's status as a separate, but coequal branch of government.
- It reminds us of the vital mission of the judicial branch—to administer justice under the law equally to all.
- It reaffirms our dependence on the legislative and executive branches for the resources and tools we need to carry out our mission.
- And finally, it is the best forum we have to share with you and the people of Iowa our assessment of the state's judicial system.

This year our assessment is not uniformly positive. The judicial branch is struggling, but determined to perform its constitutional and statutory mandates. We are heartened by the indomitable spirit of our judges and employees, who are going to extraordinary lengths to serve the public. Their commitment to our state is truly remarkable and gratifying.

We are also encouraged by some exciting innovations under way and progress we've made on some important issues in the past year. I am going to discuss these topics first, and then I will review the condition of our day-to-day operation.

Statutory Improvements

We are grateful to you and the Governor for responding last year to some of our suggestions for statutory changes that will reduce costs and enable us to stretch our resources farther.

Your approval of the law to allow a clerk of court to manage more than one office is paying off in several ways. Not only is this saving the state about \$450,000 a year, in some offices this policy has resulted in more efficient operations, more uniform procedures between counties, and improved public service.

Last fall, we used the new statutory procedure that allows us to reallocate a vacant judgeship to reduce disparities in judicial resources among the judicial districts. The vacancy occurred in Judicial District 8A, which covers a portion of southeast Iowa.

Two of our busiest districts requested the judgeship: District 5, which covers south-central Iowa, including Polk County, and District 6, which includes Linn and Johnson Counties and other counties in that vicinity. Both districts demonstrated a clear and pressing need for more judicial resources. After careful consideration, the judicial council approved moving the judgeship to the Sixth Judicial District. I'm pleased to report that the additional judgeship has eased some of the pressures in that district.

I want to commend the chief judges for their cooperative spirit in moving this judgeship.

All of the new procedures I have just mentioned are steps in the right direction. They provide some relief to judges in our busiest courthouses; they enable us to allocate resources to our priorities; and they help keep down our operating expenses.

Searching for Savings

Last year, I announced that we had begun a program to identify best practices, streamline procedures, improve staffing formulas, and achieve uniformity throughout the state as much as possible. The first phase of the program involved four study committees composed of judges, court staff, and others—the people working in the trenches. This examination covers the clerks' office staffing formula, clerks' office management, juvenile court services, and district court administration.

Three of these committees have reported to the court, and the fourth committee will submit its report soon. The committee reports are full of good ideas for improving service and conserving resources. Although most of these ideas will not result in immediate improvements, they will pay off in the long run.

Innovations: Online Services

We're pleased to report that even in the present budget climate we're improving court services through the use of information technology. Here are some examples.

The success of our online records service, which provides basic court docket information at no charge, has exceeded our expectations. This service, which began in February 2002, averages about 200,000 hits a day.

Last year, the judicial branch added a subscription-based feature to this service. For \$25 per month, a subscriber can access more detailed court docket information such as court schedules, bonds, exhibits, liens, and judgments. Currently, we have 900 subscribers, including lawyers, abstractors, private investigators, businesses, and individuals with a personal interest in court information.

Another component of our online service offers government agencies access to detailed court docket information at no cost. Presently, more than 2700 state, local, and federal government officials take advantage of this tremendously useful tool.

Our newest online service is E-Pay—a mechanism that enables one to pay traffic fines and court fees online. In the first four months of operation, we've collected \$73,000 through online payments. This is a good start.

E-Juror is an exciting online service under development. This feature will enable citizens called for jury duty to respond online to the summons. We expect to have this new service available in late fall.

Our online services provide significant benefits. They expand access to the courts. They are convenient to use. They enable state and local government officials to retrieve court information faster and at less cost. They also ease the burden on our clerk of court offices by reducing the number of telephone calls and walk-in customers they receive.

Innovation: Criminal Justice Information System

We are pleased to be working closely with the executive branch and others on long-range plans for an integrated criminal justice information system that will cover the entire state. This is an ambitious plan that will lead to the automated exchange of critical information among local, state, and federal agencies.

The benefits of this project will be far-reaching. An integrated information system will enhance public safety by providing agencies with faster access to information they need to effectively perform their duties. It will improve the efficiency of agency participants by reducing redundant data entry and by streamlining procedures. It will also expand the pool of statistical information that you need for making important policy decisions.

Innovation: Juvenile Court Assessment Program

We are also harnessing the power of information technology to benefit children under the jurisdiction of the juvenile court. Recently, we teamed with the Division of Criminal and Juvenile Justice Planning to design, develop, and implement an assessment tool for juvenile court services. This tool will eventually provide standardized assessments of children's needs, a key element in the new design for the child welfare system. Our overarching goal is, as always, to achieve better outcomes for children.

Technology Support and Funding

Innovative new services such as those I've described require careful planning, hard work, and a long-term commitment of resources. Many people deserve credit for our success. I want to recognize and thank our technology committees that have guided our efforts over the years. I also want to commend Larry Murphy, who skillfully manages our technology program, and his highly talented staff of computer wizards, who patiently support our system every day. In addition, I applaud the General Assembly for having the wisdom and foresight to provide the judicial branch with a dedicated and reliable funding stream—an essential element for a program of this scope, magnitude, and importance.

Iowa's Trial Court Caseload: 2000 to 2003

While technology is a tremendous help to Iowa's courts, in the final analysis we depend on judges and court staff to fulfill our important mission. Judges serve the public by resolving disputes according to the rule of law. And in many cases, they use their legal expertise to interpret the laws you pass. Judges are indispensable, but their ability to perform their jobs effectively in our increasingly complicated and litigious society requires the assistance of a professional support team—clerks of court, court attendants, court reporters, law clerks, juvenile court officers, technology experts, and others. This team works closely with our judges to coordinate the disposition of hundreds of thousands of cases each year.

Collectively, the cases pouring into the courts reflect critical social issues of our time. Listen to this description from District Judge Artis Reis of what she observes every day in court, "I'm seeing people with tremendous life problems such as drug addiction, domestic violence, dissolution, delinquent children, and overwhelming debt. These problems cut across all economic classes."

Our statistics confirm many of the judge's observations: In the past three years, we've seen a disproportionate increase in serious cases. For instance, felony filings other than OWI have increased 23 percent. While drug charges account for nearly a quarter of our indictable criminal caseload, judges and law enforcement professionals will tell you that over 80 percent of all criminal cases have their roots in substance abuse.

Tragically for many people, substance abuse contributes to domestic violence, child abuse and neglect, delinquency, unemployment, and divorce. Our courts are seeing an increase in some of these cases. For instance, since 2000 the number of juvenile court cases has increased 20 percent and domestic abuse civil cases 22 percent.

Serious criminal cases, juvenile cases, and family law cases are time-consuming and labor intensive. Our latest calculation of judicial workloads bears this out. According to a workload model developed by the National Center for State Courts, recent data shows that in the past three years the amount of time required for our judges to address the caseload has increased 7 percent.

During this same period, the judicial branch has sustained a \$9.5 million dollar reduction to its budget. To handle the cuts, we've reduced our nonjudicial workforce by nearly 11 percent, drastically cut travel and supplies, and imposed other stringent measures.

Budgets vs. Justice

How do the competing demands of deep budget cuts and justice play out in the courtrooms? Chief Judge Alan Pearson recently said, "If I could have one thing, it would be more time."

Chief Judge Pearson is not alone. Our judges are so busy that they are increasingly turning to the most expedient means of addressing cases—through paper rather than personal appearances. For instance, in our busiest trial courts, most serious and aggravated misdemeanors are handled entirely by paper from arraignment to plea to sentencing. These defendants never see a judge. In other types of cases—such as dissolutions—hearings, if requested, are limited to thirty minutes. Time limits for hearings used to be rare; now such limits are routine. Another district judge told me of

having to handle 38 pretrial orders in one hour. She had to do this entirely by paper, relying on forms completed by attorneys, and without the benefit of face-to-face meetings with anyone, not even the lawyers. This is a troubling state of affairs. In too many cases, justice has become an impersonal matter of shuffling papers.

We serve the same constituents you do, and for most of them justice means the right to come before a judge. Depriving them of this opportunity diminishes their confidence in the justice system and undermines the effectiveness of court orders and ultimately the effectiveness of the law.

The judicial time crunch is exacerbated by the shortage of support staff. When we cut our workforce in 2002, we cut back on court attendant services. Court attendants provide invaluable administrative assistance to judges. They manage juries, type and copy orders, retrieve files, and handle reception duties. Now, without the aid of court attendants, many judges are performing these administrative tasks themselves. By mentioning this, I do not intend to suggest that judges are above doing these tasks—not at all. I mention this to illustrate how scarce judicial resources are being diverted from decision-making. Unfortunately, this is a sacrifice we must bear for the time being.

Innovative Courtroom Programs

Amid the pressures of the current environment, judges and court personnel around the state are finding innovative solutions for easing courtroom congestion. I would like to mention one example—the compliance review procedure used in Black Hawk County for the batterer's education program in domestic abuse cases.

State law requires all persons convicted of domestic abuse to attend a domestic abuse education program as part of their sentence. If they willfully refuse to comply, the court can find them in contempt. In Black Hawk County, the noncompliance rates were high, and contempt actions were piling up in the district court. This situation was unacceptable and something had to be done.

A group consisting of representatives from local justice system agencies and the courts found a solution. Before this, any number of different judges heard these particular contempt actions. Now, all such actions proceed before one district associate judge. This new procedure adds consistency to sanctions that gives them more teeth. According to District Associate Judge Nathan Callahan, the compliance rate for the education program has improved dramatically. Finally, this procedure frees up the schedules of other judges so that they may focus their time on different types of cases waiting to be heard.

Now, I want to turn to our other court components and describe how they are faring.

Clerks' Offices

As you know, more than sixty clerk of court offices cut back their public hours in 2002, after budget cuts necessitated drastic staff reductions. Reduced public hours provided offices with some uninterrupted time to catch up on filing, data entry, issuing notices, and other essential duties. The resulting increased efficiency compensated, in a small way, for the shortage of personnel. However, because of its impact on the public we viewed this measure as a temporary management tool only. Last October,

most of these offices resumed regular public business hours. This action was prompted by an order of our court on the advice of the judicial council.

I want to emphasize that returning to traditional public hours does not mean these offices are having an easy time. To the contrary, staffing levels have not improved and all of our clerks' offices are struggling. The fact that they manage as well as they do reflects the immense pride they have in doing their jobs well.

Take for example Sharon Modracek, the Clerk for both Linn County and Jones County. Sharon frequently arrives at work before many people wake up in the morning. She also works most Saturdays. Sharon's effort is typical of the efforts of many clerks and their supervisors.

Some clerks' offices have adjusted their business practices and have found creative solutions for doing the job. For instance, Warren County Clerk of Court Sherry Sharp uses an inventive and complicated flextime schedule to keep her office running smoothly. Sherry says the schedule is also a morale booster—something we could all use these days.

Juvenile Court Offices

Juvenile court operates under similar circumstances. As a result of the budget cuts, juvenile court services like other court components lost a sizable share of its workforce. It also lost funds for successful programs such as peer court and juvenile victim restitution. But like other court personnel, our juvenile court judges and staff are determined to keep the system going.

Juvenile Court Officer Steve Bernemann is a shining example of this dedication. Steve works with children and families in Poweshiek County and Keokuk County. Since the first round of budget cuts, he has been working alone without support staff, handling all of the office's administrative tasks, while maintaining an active caseload of 75 children. Even though he's swamped with paperwork, Steve continues to meet regularly with all of the children and their families. This is not easy. To get the job done, Steve puts in long hours, working evenings and most Saturdays. We're proud of Steve and the other members of our juvenile court who are striving to provide high quality services during these difficult times.

Many juvenile court offices are finding ways to make the most of limited resources. For instance, Juvenile Court Officer Sharon Lamb coordinates the Early Services Project in Polk County. ESP, as the program is called, is a diversion program for children age 11 and under who are at risk of becoming repeat criminal offenders. Thirty to forty children participate in this program at any given time. These troubled children have done such things as assault teachers, destroy school property, set fires, and steal. When this happens, ESP steps in and provides the children with immediate consequences for their actions. They also receive intense supervision and counseling, and they perform community service.

Chief Juvenile Court Officer Marilyn Lantz says, "Successful intervention with these children at the time of their first offense will yield big payoffs down the line for the juvenile and adult correctional systems."

Court of Appeals

Finally, I want to shift my focus from the trial courts to the appellate courts, specifically the fine work of the Iowa Court of Appeals. Our hard-driving appeals judges, with the help of their able staff, handle the bulk of the appellate cases that are disposed of by opinion.

In 1999 you increased the court of appeals from six to nine judges. Now your action, coupled with the outstanding work of the court of appeals, is paying off. In 1999 that court issued nearly 750 opinions; last year it issued around 1200—an increase of 60 percent. Moreover, the court has reduced the time it takes to dispose of an appeal. What used to take 18 months in 1999 now takes less than 12 months. This is a huge benefit for litigants anxiously awaiting final resolution of their cases. I applaud the court of appeals for these notable achievements.

Conclusion

Today, I have mentioned many examples of innovative programs, difficult problems, and exceptional people. These examples are the best way to describe the state of Iowa's Judicial Branch. And I have only touched the surface. Regrettably, time does not permit me to mention more examples of the countless individuals who are making extraordinary efforts in the name of justice.

So what is the state of the judiciary?

In short, information technology continues to offer new and exciting methods for expanding access, improving service, and controlling costs. At the same time, we're struggling to address Iowan's heightened need for justice during a period of fiscal austerity. It's a tribute to our exceptional judges and staff that we are balancing the competing demands of justice and budget cuts to the extent that we are. Words cannot express the pride and respect we have for them.

Now, I have some final thoughts.

We recognize that we are part of the budget equation and have a duty to the taxpayers of Iowa to operate as efficiently as possible, in good times and in bad. We pledge to continue doing everything in our power to conserve the state's resources. However, the savings realized from further efficiency measures and innovations, though important, will be modest at best.

Given our efforts over the past few years and the current statutory framework within which we must operate, the state cannot realistically expect the judicial branch to achieve substantial budget savings while continuing to provide the current level of court services. By this statement, I do not intend to convey that it is my desire, or the desire of the court, to radically alter court services. Nor do I intend this as a criticism of your policies. I am simply stating reality.

We understand and appreciate the difficult choices you must make. Should you decide that significant reforms in the delivery of court services are necessary, we are open to ideas and will work closely with you to ensure the judicial branch continues to fulfill its vital mission. In the end, we trust you will respond to the people's need for justice.

Thank you.

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

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

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

RECESS

On motion of Senator Iverson, the Senate recessed at 10:37 a.m. upon the dissolution of the joint convention until 3:00 p.m.

The Senate returned to the Senate chamber.

AFTERNOON SESSION

The Senate reconvened at 3:08 p.m., President Lamberti presiding.

The Journal of Tuesday, January 13, 2004, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:09 p.m. until 8:30 a.m., Thursday, January 15, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 13, 2004

BOARD OF REGENTS

Annual Report for Iowa's Center for Agricultural Safety and Health.

Annual Report for the Center for Health Effects of Environmental Contamination—notification that the report in electronic form is available online.

DEPARTMENT OF HUMAN SERVICES

Progress report on development and implementation of a disease management program, pursuant to 2003 Acts, House File 619.

RESIGNATION FROM OFFICE

January 14, 2004

Senator Jeff Lamberti
Office of the President
Iowa Senate
Des Moines, IA 50319

Dear Senator Lamberti,

I hereby submit my resignation as the State Senator representing District 30, effective today, January 14, 2004.

It has been an honor serving my constituents and all the citizens of Iowa in the Iowa Legislature.

Sincerely,
Mary Kramer

REPORTS OF COMMITTEE MEETINGS

JUDICIARY

Convened: January 13, 2004, 4:00 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Brunkhorst, Fraise, Gaskill, Horn, McKibben, Miller, Quirnbach, and Tinsman.

Members Absent: Boettger, Holveck, Lamberti, and McCoy (all excused).

Committee Business: Organizational meeting.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: January 14, 2004, 1:05 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Courtney, Gaskill, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Black and Houser (both excused).

Committee Business: Approved SSB 3002 (as amended).

Adjourned: 1:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 101, by committee on Agriculture, a concurrent resolution to express support for the implementation of a system which identifies and traces livestock for purposes of controlling the outbreak of diseases in livestock populations, to ensure the wholesomeness of food products originating from livestock, and to maintain consumer confidence in the livestock industry.

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

INTRODUCTION OF BILLS

Senate File 2008, by Zieman, a bill for an act appropriating state franchise tax revenues to cities and counties.

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

Senate File 2009, by Tinsman, a bill for an act relating to the medical assistance and state supplementary assistance programs,

providing an effective date, and providing for retroactive applicability.

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

Senate File 2010, by Kibbie, Bolkcom, Black, Dvorsky, Connolly, Courtney, Fraise, Gronstal, Hatch, Holveck, Horn, Kreiman, McCoy, Quirnbach, Ragan, Seng, Stewart, and Warnstadt, a bill for an act relating to the operation of electric personal assistive mobility devices, making a penalty applicable, and providing an effective date.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 13
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 19
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 38
(Reassignment)

APPROPRIATIONS: Lamberti, Chair; Tinsman and Warnstadt

Senate File 104
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 113
(Reassignment)

ECONOMIC GROWTH: McKinley, Chair; Hatch and Lamberti

Senate File 116
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Black and Lamberti

Senate File 118
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 149
(Reassignment)

ECONOMIC GROWTH: Shull, Chair; Beall and Putney

Senate File 159
(Reassignment)

ECONOMIC GROWTH: Veenstra, Chair; Putney and Ragan

Senate File 168
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Connolly and Lamberti

Senate File 286
(Reassignment)

ECONOMIC GROWTH: Shull, Chair; Dotzler and Rehberg

Senate File 333
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 387

ECONOMIC GROWTH: McKinley, Chair; Hatch and Rehberg

Senate File 428
(Reassignment)

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

FINAL COMMITTEE REPORT OF BILL ACTION

AGRICULTURE

Bill Title: *SENATE CONCURRENT RESOLUTION 101 (SSB 3002), a concurrent resolution to express support for the implementation of a system which identifies and traces livestock for purposes of controlling the outbreak of diseases in livestock populations, to ensure the wholesomeness of food products originating from livestock, and to maintain consumer confidence in the livestock industry.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nay, none. Absent, 2: Black and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate Concurrent Resolution 101, and they were attached to the committee report.

JOURNAL OF THE SENATE

FOURTH CALENDAR DAY
FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 15, 2004

The Senate met in regular session at 8:37 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Hayden, pastor of the Mt. Calvary Lutheran Church in Indianola, Iowa. He was the guest of Senator Shull.

The Journal of Wednesday, January 14, 2004, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he arrives, on request of Senator Seng.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:44 a.m. until 9:00 a.m., Friday, January 16, 2004.

APPENDIX

STANDING COMMITTEES APPOINTED

The Majority and Minority Leaders announced the following appointments to the standing committees of the Senate for the 2004 Session of the Eightieth General Assembly:

*Vice Chair

**Ranking Member

AGRICULTURE—15 Members

| | | | |
|----------------|----------|--------|----------|
| Johnson, Chair | Behn | Houser | Seng |
| Hosch* | Black | Kibbie | Veenstra |
| Fraise** | Courtney | Putney | Zieman |
| Angelo | Gaskill | Ragan | |

APPROPRIATIONS—25 Members

| | | | |
|---------------|---------|----------|-----------|
| Angelo, Chair | Dotzler | McKibben | Shull |
| Lamberti* | Fraise | McKinley | Sievers |
| Dvorsky** | Gaskill | Miller | Tinsman |
| Behn | Hatch | Schuerer | Veenstra |
| Black | Horn | Seng | Warnstadt |
| Bolkcom | Houser | Seymour | Zieman |
| Connolly | | | |

BUSINESS AND LABOR RELATIONS—11 Members

| | | | |
|-----------------|----------|-----------|---------|
| Schuerer, Chair | Courtney | Johnson | Seymour |
| Lundby* | Dotzler | Kettering | Wieck |
| Dearden** | Horn | McKibben | |

COMMERCE—15 Members

| | | | |
|-------------|------------|---------|----------|
| Behn, Chair | Bolkcom | Lundby | Schuerer |
| Wieck* | Brunkhorst | McCoy | Sievers |
| Warnstadt** | Gronstal | Putney | Stewart |
| Beall | Kettering | Redfern | |

ECONOMIC GROWTH—13 Members

| | | | |
|----------------|----------|----------|----------|
| Rehberg, Chair | Boettger | McKinley | Seymour |
| Shull* | Dotzler | Putney | Stewart |
| Hatch** | Lamberti | Ragan | Veenstra |
| Beall | | | |

EDUCATION—15 Members

| | | | |
|-----------------|------------|---------|-----------|
| Boettger, Chair | Beall | Holveck | Quirnbach |
| McKinley* | Behn | Hosch | Redfern |
| Connolly** | Brunkhorst | Iverson | Rehberg |
| Angelo | Dvorsky | Kreiman | |

ETHICS—6 Members

| | | | |
|--------------|----------|---------|----------|
| Drake, Chair | Kibbie** | Dearden | McKibben |
| Redfern* | Connolly | | |

GOVERNMENT OVERSIGHT—5 Members

| | | | |
|---------------|------------|---------|-------|
| Lundby, Chair | Courtney** | Dvorsky | Wieck |
| Brunkhorst* | | | |

HUMAN RESOURCES—13 Members

| | | | |
|-----------------|----------|---------|----------|
| Veenstra, Chair | Boettger | Horn | McKinley |
| Seymour* | Hatch | Hosch | Schuerer |
| Ragan** | Holveck | Kreiman | Tinsman |
| Behn | | | |

JUDICIARY—15 Members

| | | | |
|----------------|------------|----------|-----------|
| Redfern, Chair | Brunkhorst | Horn | Miller |
| Kettering* | Fraise | Lamberti | Quirnbach |
| Kreiman** | Gaskill | McCoy | Tinsman |
| Boettger | Holveck | McKibben | |

LOCAL GOVERNMENT—13 Members

| | | | |
|----------------|--------|-----------|---------|
| Gaskill, Chair | Hatch | Kettering | Rehberg |
| Miller* | Hosch | Kreiman | Seymour |
| Quirnbach** | Houser | McCoy | Stewart |
| Angelo | | | |

NATURAL RESOURCES AND ENVIRONMENT—15 Members

| | | | |
|---------------|------------|-----------|---------|
| Houser, Chair | Bolkcom | Holveck | Miller |
| Johnson* | Brunkhorst | Kettering | Redfern |
| Seng** | Dearden | Kibbie | Zieman |
| Black | Drake | Lundby | |

RULES AND ADMINISTRATION—11 Members

| | | | |
|----------------|----------|---------|---------|
| Iverson, Chair | Boettger | Dvorsky | Sievers |
| Lamberti* | Courtney | Gaskill | Wieck |
| Gronstal** | Drake | Ragan | |

STATE GOVERNMENT—15 Members

| | | | |
|---------------|----------|----------|----------|
| Zieman, Chair | Connolly | Johnson | Shull |
| Sievers* | Courtney | Lamberti | Tinsman |
| Kibbie** | Dearden | Ragan | Veenstra |
| Black | Drake | Schuerer | |

TRANSPORTATION—13 Members

| | | | |
|--------------|---------|---------|-----------|
| Drake, Chair | Dearden | Iverson | Shull |
| Putney* | Fraise | Johnson | Warnstadt |
| McCoy** | Houser | Rehberg | Zieman |
| Beall | | | |

WAYS AND MEANS—17 Members

| | | | |
|-----------------|----------|-----------|---------|
| McKibben, Chair | Dotzler | Miller | Seng |
| Shull* | Hosch | Putney | Sievers |
| Bolkcom** | McCoy | Quirnbach | Stewart |
| Angelo | McKinley | Rehberg | Wieck |
| Connolly | | | |

SENATE APPROPRIATIONS SUBCOMMITTEES

ADMINISTRATION AND REGULATION

| | | |
|----------------|-----------|---------|
| Sievers, Chair | Holveck** | Stewart |
| Zieman* | Rehberg | |

AGRICULTURE AND NATURAL RESOURCES

| | | |
|----------------|---------|---------|
| Gaskill, Chair | Black** | Seymour |
| Houser* | Seng | |

ECONOMIC DEVELOPMENT

| | | |
|-----------------|-----------|-----------|
| McKinley, Chair | Dotzler** | Quirnbach |
| Behn* | Putney | |

EDUCATION

| | | |
|--------------|--------|----------|
| Shull, Chair | Horn** | Schuerer |
| Boettger* | Kibbie | |

HEALTH AND HUMAN SERVICES

| | | |
|----------------|---------|----------|
| Tinsman, Chair | Hatch** | Veenstra |
| Johnson* | Bolkcom | |

JUSTICE SYSTEM

| | | |
|---------------|----------|---------|
| Miller, Chair | Fraise** | Kreiman |
| Angelo* | Hosch | |

TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

| | | |
|------------------|-------------|----------|
| Kettering, Chair | Warnstadt** | Lamberti |
| McKibben* | Beall | |

SENATORS AND THEIR RESPECTIVE COMMITTEES

| | |
|--------------------|--|
| ANGELO, Jeff | Agriculture Appropriations, Chair Education Local Government Ways and Means Justice System Appropriations Subcommittee, Vice Chair |
| BEALL, Daryl | Commerce Economic Growth Education Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee |
| BEHN, Jerry | Agriculture Appropriations Commerce, Chair Education Human Resources Economic Development Appropriations Subcommittee, Vice Chair |
| BLACK, Dennis H. | Agriculture Appropriations Natural Resources and Environment State Government Agriculture and Natural Resources Appropriations Subcommittee, Ranking Member |
| BOETTGER, Nancy J. | Economic Growth Education, Chair Human Resources Judiciary Rules and Administration Education Appropriations Subcommittee, Vice Chair |

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|--------------------------|---|
| BOLKCOM, Joe | Appropriations Commerce Natural Resources and Environment Ways and Means, Ranking Member Health and Human Services Appropriations Subcommittee |
| BRUNKHORST, Bob | Commerce Education Government Oversight, Vice Chair Judiciary Natural Resources and Environment |
| CONNOLLY, Mike | Appropriations Education, Ranking Member Ethics State Government Ways and Means |
| COURTNEY, Thomas G. | Agriculture Business and Labor Relations Government Oversight, Ranking Member Rules and Administration State Government |
| DEARDEN, Dick L. | Business and Labor Relations, Ranking Member Ethics Natural Resources and Environment State Government Transportation |
| DOTZLER, William A., Jr. | Appropriations Business and Labor Relations Economic Growth Ways and Means Economic Development Appropriations Subcommittee, Ranking Member |
| DRAKE, Richard F. | Ethics, Chair Natural Resources and Environment Rules and Administration State Government Transportation, Chair |
| DVORSKY, Robert E. | Appropriations, Ranking Member Education Government Oversight Rules and Administration |

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|----------------------|---|
| FRAISE, Gene | Agriculture, Ranking Member Appropriations Judiciary Transportation Justice System Appropriations Subcommittee, Ranking Member |
| GASKILL, E. Thurman | Agriculture Appropriations Judiciary Local Government, Chair Rules and Administration Agriculture and Natural Resources Appropriations Subcommittee, Chair |
| GRONSTAL, Michael E. | Commerce Rules and Administration, Ranking Member |
| HATCH, Jack | Appropriations Economic Growth, Ranking Member Human Resources Local Government Health and Human Services Appropriations Subcommittee, Ranking Member |
| HOLVECK, Jack | Education Human Resources Judiciary Natural Resources and Environment Administration and Regulation Appropriations Subcommittee, Ranking Member |
| HORN, Wally E. | Appropriations Business and Labor Relations Human Resources Judiciary Education Appropriations Subcommittee, Ranking Member |
| HOSCH, Julie M. | Agriculture, Vice Chair Education Human Resources Local Government Ways and Means Justice System Appropriations Subcommittee |
| HOUSER, Hubert | Agriculture Appropriations Local Government Natural Resources and Environment, Chair Transportation Agriculture and Natural Resources Appropriations Subcommittee, Vice Chair |

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|--------------------------|---|
| IVERSON, Stewart E., Jr. | Education Rules and Administration, Chair Transportation |
| JOHNSON, David | Agriculture, Chair Business and Labor Relations Natural Resources and Environment, Vice Chair State Government Transportation Health and Human Services Appropriations Subcommittee, Vice Chair |
| KETTERING, Steve | Business and Labor Relations Commerce Judiciary, Vice Chair Local Government Natural Resources and Environment Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Chair |
| KIBBIE, John P. (Jack) | Agriculture Ethics, Ranking Member Natural Resources and Environment State Government, Ranking Member Education Appropriations Subcommittee |
| KREIMAN, Keith A. | Education Human Resources Judiciary, Ranking Member Local Government Justice System Appropriations Subcommittee |
| LAMBERTI, Jeff | Appropriations, Vice Chair Economic Growth Judiciary Rules and Administration, Vice Chair State Government Transportation, Infrastructure, and Capitals Appropriations Subcommittee |
| LARSON, Charles W., Jr. | Currently serving with U.S. Armed Forces in Iraq. |
| LUNDBY, Mary | Business and Labor Relations, Vice Chair Commerce Government Oversight, Chair Natural Resources and Environment |
| McCOY, Matt | Commerce Judiciary Local Government Transportation, Ranking Member Ways and Means |

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|----------------------|---|
| McKIBBEN, Larry | Appropriations Business and Labor Relations Ethics Judiciary Ways and Means, Chair Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Vice Chair |
| McKINLEY, Paul | Appropriations Economic Growth Education, Vice Chair Human Resources Ways and Means Economic Development Appropriations Subcommittee, Chair |
| MILLER, David | Appropriations Judiciary Local Government, Vice Chair Natural Resources and Environment Ways and Means Justice System Appropriations Subcommittee, Chair |
| PUTNEY, John | Agriculture Commerce Economic Growth Transportation, Vice Chair Ways and Means Economic Development Appropriations Subcommittee |
| QUIRMBACH, Herman C. | Education Judiciary Local Government, Ranking Member Ways and Means Economic Development Appropriations Subcommittee |
| RAGAN, Amanda | Agriculture Economic Growth Human Resources, Ranking Member Rules and Administration State Government |
| REDFERN, Donald B. | Commerce Education Ethics, Vice Chair Judiciary, Chair Natural Resources and Environment |

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|-------------------|--|
| REHBERG, Kitty | Economic Growth, Chair Education Local Government Transportation Ways and Means Administration and Regulation Appropriations Subcommittee |
| SCHUERER, Neal | Appropriations Business and Labor Relations, Chair Commerce Human Resources State Government Education Appropriations Subcommittee |
| SENG, Joe M. | Agriculture Appropriations Natural Resources and Environment, Ranking Member Ways and Means Agriculture and Natural Resources Appropriations Subcommittee |
| SEYMOUR, James A. | Appropriations Business and Labor Relations Economic Growth Human Resources, Vice Chair Local Government Agriculture and Natural Resources Appropriations Subcommittee |
| SHULL, Doug | Appropriations Economic Growth, Vice Chair State Government Transportation Ways and Means, Vice Chair Education Appropriations Subcommittee, Chair |
| SIEVERS, Bryan J. | Appropriations Commerce Rules and Administration State Government, Vice Chair Ways and Means Administration and Regulation Appropriations Subcommittee, Chair |
| STEWART, Roger | Commerce Economic Growth Local Government Ways and Means Administration and Regulation Appropriations Subcommittee |

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|------------------|---|
| TINSMAN, Maggie | Appropriations Human Resources Judiciary State Government Health and Human Services Appropriations Subcommittee, Chair |
| VEENSTRA, Ken | Agriculture Appropriations Economic Growth Human Resources, Chair State Government Health and Human Services Appropriations Subcommittee |
| WARNSTADT, Steve | Appropriations Commerce, Ranking Member Transportation Transportation, Infrastructure, and Capitals Appropriations Subcommittee, Ranking Member |
| WIECK, Ron | Business and Labor Relations Commerce, Vice Chair Government Oversight Rules and Administration Ways and Means |
| ZIEMAN, Mark | Agriculture Appropriations Natural Resources and Environment State Government, Chair Transportation Administration and Regulation Appropriations Subcommittee, Vice Chair |

COMMUNICATIONS RECEIVED

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

January 15, 2004

BOARD OF REGENTS

2003 Annual Report on Minority and Women Educators, pursuant to Iowa Code sections 262.82 and 262.93.

Annual Report for Telemedicine in the University of Iowa Hospitals and Clinics Indigent Patient Care Program—notification that the report in electronic form is available online.

IOWA CHILD ADVOCACY BOARD

FY 2003 Annual Report.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Progress report on the job retention component of the Grow Iowa Values Fund.

Report on the provision of ongoing efforts to assist businesses through the coordination of regulatory assistance, pursuant to Iowa Code section 15E.19.

DEPARTMENT OF JUSTICE

Report on the Iowa Prosecutor Intern Program for 2003, pursuant to Iowa Code section 13.2(12).

CERTIFICATES OF RECOGNITION

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

Phil Gunderson, Fort Dodge—For being named a Governor’s “Above and Beyond” mentor. Senator Beall (1/16/04).

Sue Hewett, Fort Dodge—For being named a Governor’s “Above and Beyond” mentor. Senator Beall (1/16/04).

James Terence Mathews, Bellevue—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Stewart (2/1/04).

Bruce Murman, Fort Dodge—For being named a Governor’s “Above and Beyond” mentor. Senator Beall (1/16/04).

Clark Richardson, Ankeny—For winning the Iowa High School Speech Association Student Congress Debate. Senator Warnstadt (1/13/04).

Bob Schieffer, CBS News, Washington, D.C.—For being recognized as an honorary Iowan. Senator Beall (1/15/04).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: January 15, 10:05 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, and Seymour.

Members Absent: Wieck (excused).

Committee Business: Organizational meeting and subcommittee assignments.

Adjourned: 10:10 a.m.

EDUCATION

Convened: January 15, 10:05 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, and Rehberg.

Members Absent: Angelo, Brunkhorst, Iverson, and Redfern (all excused).

Committee Business: Presentation by Daniel K. Miller, executive director and general manager of Iowa Public Television.

Adjourned: 10:40 a.m.

HUMAN RESOURCES

Convened: January 15, 11:10 a.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Horn, Hosch, Kreiman, Schuerer, and Tinsman.

Members Absent: Hatch, Holveck, and McKinley (all excused).

Committee Business: Presentation on the Iowa Medicaid Enterprise by Gene Gessow, Medicaid director.

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2002, by Veenstra, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa.

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

INTRODUCTION OF BILLS

Senate File 2011, by Kreiman, a bill for an act relating to the interest rates charged against delinquent property taxes and providing an applicability date.

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

Senate File 2012, by Tinsman, a bill for an act adding an Iowa history requirement to the secondary education program.

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

Senate File 2013, by Veenstra, a bill for an act relating to the liability derived from human cloning, and providing civil remedies.

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

STUDY BILL RECEIVED

SSB 3004 Human Resources

Providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2004

LOCAL GOVERNMENT: Kettering, Chair; Kreiman and Rehberg

Senate File 2009

HUMAN RESOURCES: Tinsman, Chair; Hosch and Kreiman

SSB 3004

HUMAN RESOURCES: Seymour, Chair; Ragan and Tinsman

JOURNAL OF THE SENATE

FIFTH CALENDAR DAY
FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, January 16, 2004

The Senate met in regular session at 9:01 a.m., Senator Tinsman presiding.

The Journal of Thursday, January 15, 2004, was approved.

ADJOURNMENT

On motion of Senator Shull, the Senate adjourned at 9:02 a.m. until 1:00 p.m., Tuesday, January 20, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 15, 2004

BOARD OF REGENTS

Report on Commercialization of Research at the University of Iowa, Iowa State University, and University of Northern Iowa—notification that the report in electronic form is available online.

DEPARTMENT OF CORRECTIONS

Update on inmate labor programs—notification that the report in electronic form is available online.

DEPARTMENT OF NATURAL RESOURCES

Report on the Household Hazardous Materials Program—notification that the report in electronic form is available online.

AGENCY ICN REPORT

January 16, 2004

DIVISION OF VOCATIONAL REHABILITATION SERVICES

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

JOURNAL OF THE SENATE

NINTH CALENDAR DAY
SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 20, 2004

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by the Honorable Mary Lundby, member of the Senate from Linn County, Marion, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Krista Kreiman and Marguerite Moeller.

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

SPECIAL GUESTS

Senator Redfern welcomed to the Senate chamber nine students and three teachers from Saint Petersburg, Russia. As part of a program sponsored by the U.S. State Department to promote exchanges between Russian and American youth, the guests spend three weeks with Price Laboratory School families participating in classes as part of the PLS student Russian program.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Shull, for the remainder of the week, on request of Senator Boettger.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 1:16 p.m. until 8:30 a.m., Wednesday, January 21, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 16, 2004

DEPARTMENT OF PUBLIC HEALTH

Anatomical Gifts Annual Donation and Compliance Report for 2003—notification that the report in electronic form is available online.

Report on Access to Obstetrical Care in Iowa—notification that the report in electronic form is available online.

Report on the Scope on Practice Review Committee for 2003—notification that the report in electronic form is available online.

Tobacco Use and Prevention Progress Report—notification that the report in electronic form is available online.

January 20, 2004

BOARD OF REGENTS

Five-Year Capital Building Program—notification that the report in electronic form is available online.

DEPARTMENT OF ELDER AFFAIRS

Office of the Long-Term Care Ombudsman 2003 Annual Report, pursuant to 321 Iowa Administrative Code section 8.4(3).

DEPARTMENT OF HUMAN SERVICES

Report on the impact of elimination of the six-month waiting period on the HAWK-I program, pursuant to 2003 Acts, House File 565.

AGENCY ICN REPORTS

January 20, 2004

DEPARTMENT OF COMMERCE—CREDIT UNION DIVISION

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

DEPARTMENT OF ELDER AFFAIRS

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Brett Koch, Waukon—For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Zieman (1/20/04).

Ben Scieskowski, Des Moines—For receiving the Advanced Placement Scholar Award. Senator McCoy (1/20/04).

PRESENTATION OF VISITORS

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

High school students from Denison, Iowa. Senator Seymour.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 20, 2004, 1:45 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Presentation by Secretary of Agriculture Patty Judge and her staff on BSE and how the disease relates to food safety and meat inspection. Bills to be withdrawn from consideration were determined.

Adjourned: 2:35 p.m.

ECONOMIC GROWTH

Convened: January 20, 2004, 2:35 p.m.

Members Present: Rehberg, Chair; Hatch, Ranking Member; Beall, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: Shull, Vice Chair; Boettger and Lamberti (all excused).

Committee Business: Removed SFs 285 and 287 from further committee action.

Adjourned: 2:50 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 20, 2004, 2:40 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman.

Members Absent: None.

Committee Business: Presentations by Jeff Vonk, Department of Natural Resources director; Ross Harrison, REAP coordinator; and John Baldwin, Department of Corrections.

Adjourned: 3:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 20, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; and Veenstra.

Members Absent: Bolkcom (excused).

Committee Business: Organizational meeting and discussion of committee priorities.

Adjourned: 3:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 20, 2004, 3:15 p.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Organizational meeting and presentation by Fiscal Services Division.

Adjourned: 3:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 104, by Iverson and Gronstal, a resolution designating January 21, 2004, as Iowa Insurance Day.

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

INTRODUCTION OF BILL

Senate File 2014, by Brunkhorst, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a prosecution for an operating-while-intoxicated offense which does not result in a conviction.

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

STUDY BILLS RECEIVED

SSB 3005 Government Oversight

Requiring the lottery authority to submit budget information to the legislature.

SSB 3006 Ways and Means

Relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2003

WAYS AND MEANS: Shull, Chair; Stewart and Wieck

SSB 3005

GOVERNMENT OVERSIGHT: Lundby, Chair

SSB 3006

WAYS AND MEANS: Hosch, Chair; Connolly and Sievers

JOURNAL OF THE SENATE

TENTH CALENDAR DAY
SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 21, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by Father John Spiegel of St. Mary's and St. Patrick's Churches in Ottumwa, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, January 20, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:41 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:43 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 104, a resolution designating January 21, 2004, as Iowa Insurance Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 104.

Senate Resolution 104

On motion of Senator Iverson, **Senate Resolution 104**, a resolution designating January 21, 2004, as Iowa Insurance Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 104, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:45 a.m. until 8:30 a.m., Thursday, January 22, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 21, 2004

STATE PSEUDORABIES ADVISORY COMMITTEE

Report on the 2003 calendar year activities, pursuant to Iowa Code section 166D.3.

AGENCY ICN REPORT

IOWA VETERANS HOME

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: January 20, 2004, 3:05 p.m.

Members Present: Lundby, Chair; Courtney, Ranking Member; and Dvorsky.

Members Absent: Brunkhorst, Vice Chair; and Wieck (both excused).

Committee Business: Discussion of committee topics and priorities. Subcommittee assignments.

Adjourned: 3:40 p.m.

HUMAN RESOURCES

Convened: January 21, 2004, 1:05 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, and Tinsman.

Members Absent: Schuerer.

Committee Business: Presentations by representatives of U.S. Department of Health and Human Services, the Administration on Aging, and the Food and Drug Administration.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: January 21, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved SR 104.

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: January 21, 2004, 2:15 p.m.

Members Present: McKibben, Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Shull, Vice Chair; and McCoy (both excused).

Committee Business: Approved SSB 3006.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 105, by Warnstadt, Kreiman, Bolkcom, Beall, Seng, Dearden, Dvorsky, Connolly, Kibbie, Ragan, Courtney, Dotzler, Fraise, Gronstal, Stewart, Horn, Quirmbach, Hatch, McCoy, Holveck, and Black, a resolution encouraging Congress to pass legislation allowing National Guard and Reserve members eligibility for TRICARE on a permanent basis.

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

INTRODUCTION OF BILLS

Senate File 2015, by Veenstra, a bill for an act relating to the transfer of jurisdiction of primary road bridges leading to an adjoining state and providing effective and retroactive applicability dates.

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

Senate File 2016, by Johnson, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

Senate File 2017, by Warnstadt, Kreiman, Bolkcom, Beall, Seng, Dearden, Dvorsky, Connolly, Kibbie, Ragan, Courtney, Dotzler, Fraise, Gronstal, Stewart, Horn, Quirmbach, Hatch, McCoy, Holveck, and Black, a bill for an act relating to the creation of a home modification grant program for veterans, and making an appropriation.

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

Senate File 2018, by McCoy, a bill for an act relating to the jurisdictional limit in small claims court.

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

Senate File 2019, by Bolkcom, a bill for an act relating to the reimbursement for services provided under a medical assistance home and community-based services waiver for the elderly.

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

Senate File 2020, by Bolkcom, a bill for an act relating to the senior living trust fund and providing for appropriation of the moneys in the fund.

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

Senate File 2021, by McKibben, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

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

Senate File 2022, by Kreiman, a bill for an act eliminating an examination requirement as a prerequisite for designation as a registered dental assistant.

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

Senate File 2023, by Kreiman, a bill for an act relating to the personal needs allowance under the medical assistance program for persons in nursing facilities.

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

Senate File 2024, by Stewart, Courtney, Ragan, Dvorsky, Connolly, Gronstal, Kibbie, Black, Dotzler, Seng, Bolkcom, Warnstadt, Quirnbach, Kreiman, Beall, Hatch, and McCoy, a bill for an act making an appropriation to the college student aid commission for purposes of the national guard educational assistance program.

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

Senate File 2025, by Bolkcom, Warnstadt, Quirnbach, Kreiman, Beall, Hatch, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Black, Holveck, Ragan, Courtney, Dotzler, Seng, Fraise, Dearden, and McCoy, a bill for an act restoring the allocation of state franchise tax revenues to cities and counties.

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

Senate File 2026, by committee on Ways and Means, a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

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

STUDY BILLS RECEIVED

SSB 3007 Human Resources

Relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers.

SSB 3008 Human Resources

Relating to informed consent to an abortion, providing penalties, and providing an effective date.

SSB 3009 Human Resources

Relating to causing the death of or serious injury to an unborn child and providing penalties.

SSB 3010 Human Resources

Relating to child abuse reporting by increasing the child age for mandatory reporting of suspected child sexual abuse perpetrated by a person other than the person responsible for the care of the child and requiring members of the clergy to be mandatory reporters of child abuse under certain circumstances.

SSB 3011 Human Resources

Designating physicians assistants as providers of health care services pursuant to managed care or prepaid services contracts under the medical assistance program.

SSB 3012 Transportation

Relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, and providing effective dates.

SSB 3013 Ways and Means

Providing for the property taxation of the facilities of city-operated cable communications systems and including effective and applicability date provisions.

SSB 3014 Government Oversight

Providing for the sale of Iowa communications network assets, providing for related technical and substantive changes, and providing an effective date.

SSB 3015 State Government

Relating to ethics laws and the Iowa ethics and campaign disclosure board.

SSB 3016 State Government

Relating to ethics provisions by reducing the length of a prohibition for certain activities, creating a prohibition pertaining to certain conflicts of interest, creating a new nepotism provision, and making penalties applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2002**

HUMAN RESOURCES: Veenstra, Chair; Boettger and Kreiman

Senate Resolution 104

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

**Senate File 17
(Reassignment)**

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

Senate File 27
(Reassignment)

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

Senate File 39

WAYS AND MEANS: Miller, Chair; Stewart and Wieck

Senate File 76
(Reassignment)

WAYS AND MEANS: McKinley, Chair; Seng and Wieck

Senate File 83
(Reassignment)

WAYS AND MEANS: Sievers, Chair; McCoy and Putney

Senate File 93
(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

Senate File 146
(Reassignment)

WAYS AND MEANS: Shull, Chair; Putney and Quirnbach

Senate File 148
(Reassignment)

EDUCATION: Brunkhorst, Chair; Boettger and Connolly

Senate File 179
(Reassignment)

WAYS AND MEANS: McKinley, Chair; Bolcom and Wieck

Senate File 193
(Reassignment)

WAYS AND MEANS: Shull, Chair; Quirnbach and Wieck

Senate File 195
(Reassignment)

WAYS AND MEANS: Miller, Chair; Stewart and Wieck

Senate File 241
(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

Senate File 242

WAYS AND MEANS: Miller, Chair; Bolkcom and Shull

Senate File 246
(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKibben

Senate File 263
(Reassignment)

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 264
(Reassignment)

WAYS AND MEANS: Putney, Chair; Connolly and McKinley

Senate File 270

EDUCATION: Boettger, Chair; Behn and Kreiman

Senate File 284
(Reassignment)

WAYS AND MEANS: Putney, Chair; McCoy and Sievers

Senate File 326
(Reassignment)

WAYS AND MEANS: Hosch, Chair; Bolkcom and Wieck

Senate File 335
(Reassignment)

WAYS AND MEANS: McKinley, Chair; Quirnbach and Wieck

Senate File 360
(Reassignment)

WAYS AND MEANS: Putney, Chair; McCoy and Wieck

Senate File 385

EDUCATION: Behn, Chair; Beall and Boettger

Senate File 404

WAYS AND MEANS: Putney, Chair; Angelo and McCoy

Senate File 406

EDUCATION: Brunkhorst, Chair; Kreiman and McKinley

Senate File 429
(Reassignment)

WAYS AND MEANS: Putney, Chair; McKibben and Stewart

Senate File 450

WAYS AND MEANS: McKibben, Chair; Connolly, Seng, Shull, and Sievers

Senate File 455

WAYS AND MEANS: Putney, Chair; Connolly and Miller

Senate File 2005

JUDICIARY: McKibben, Chair; Boettger and Holveck

Senate File 2006

JUDICIARY: Miller, Chair; Brunkhorst and Kreiman

Senate File 2008

APPROPRIATIONS: Angelo, Chair; Lamberti and Warnstadt

Senate File 2012

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 2013

JUDICIARY: Gaskill, Chair; Quirmbach and Tinsman

House File 696
(Reassignment)

WAYS AND MEANS: Wieck, Chair; McKibben and Seng

House File 701

WAYS AND MEANS: Shull, Chair; McKinley and Seng

SSB 3007

HUMAN RESOURCES: Seymour, Chair; Hosch and Kreiman

SSB 3008

HUMAN RESOURCES: Veenstra, Chair; Behn and Holveck

SSB 3009

HUMAN RESOURCES: McKinley, Chair; Boettger and Horn

SSB 3010

HUMAN RESOURCES: Veenstra, Chair; Hatch and Seymour

SSB 3011

HUMAN RESOURCES: Boettger, Chair; Ragan and Seymour

SSB 3012

TRANSPORTATION: Putney, Chair; Dearden, Drake, Johnson, and Warnstadt

SSB 3013

WAYS AND MEANS: Wieck, Chair; McCoy and Sievers

SSB 3014

GOVERNMENT OVERSIGHT: Lundby, Chair; Dvorsky and Wieck

SSB 3015

STATE GOVERNMENT: Zieman, Chair; Ragan and Schuerer

SSB 3016

STATE GOVERNMENT: Zieman, Chair; Dearden and Sievers

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2026 (SSB 3006), a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Shull and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-5001

S.C.R. 101

David Johnson

JOURNAL OF THE SENATE

ELEVENTH CALENDAR DAY
EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 22, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Spencer D. Keroff, pastor of the Assembly of God Church in Centerville, Iowa. He was the guest of Senator Kreiman.

The Journal of Wednesday, January 21, 2004, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:47 a.m. until 1:00 p.m., Monday, January 26, 2004.

APPENDIX

APPOINTMENTS BY THE SENATE MAJORITY AND MINORITY LEADERS

IOWA LEGISLATIVE COUNCIL

(Iowa Code section 2.41) (Expires 2/1/2005)

*Stewart E. Iverson, Jr., Vice Chair

*Jeff Lamberti

**Jeff Angelo

*Michael E. Gronstal

*Robert E. Dvorsky

Nancy J. Boettger

Joe Bolkcom

Mike Connolly

John Putney

Amanda Ragan

Neal Schuerer

Mark Ziemann

IOWA LEGISLATIVE COUNCIL COMMITTEES

(Iowa Code section 2.45) (Expires 2/1/2005)

ADMINISTRATION

Jeff Angelo, Vice Chair

Mike Connolly

Neal Schuerer

CAPITAL PROJECTS

Nancy J. Boettger, Vice Chair

*Jeff Angelo

Joe Bolkcom

Robert E. Dvorsky

Jeff Lamberti

FISCAL

*Jeff Angelo, Co-chair

*Joe Bolkcom

*Robert E. Dvorsky

*Larry McKibben

Neal Schuerer

INTERNATIONAL RELATIONS

Nancy J. Boettger, Chair

Dennis H. Black

Gene Fraise

Jack Holveck

Hubert Houser

John Putney

Maggie Tinsman

SERVICE

Jeff Lamberti, Chair

Jeff Angelo

Michael E. Gronstal

STUDIES

Stewart E. Iverson, Jr., Chair

Nancy J. Boettger

Michael E. Gronstal

Jeff Lamberti

Amanda Ragan

*Indicates appointment mandated by statute

**Currently serving two statutory appointments

COMMUNICATIONS RECEIVED

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

January 21, 2004

DEPARTMENT OF EDUCATION

Student Achievement and Accountability Annual Report, pursuant to 2001 Acts, Senate File 476.

January 22, 2004

BOARD OF REGENTS

Annual Report on Beginning Farm Center for 2003—notification that the report in electronic form is available online.

DEPARTMENT OF JUSTICE

Report concerning the enhanced court collections fund and the court technology and modernization fund—notification that the report in electronic form is available online.

AGENCY ICN REPORT

January 21, 2004

IOWA WORKFORCE DEVELOPMENT

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Alice Andreae, Elkader—For celebrating your 100th birthday on January 20, 2004. Senator Rehberg (1/20/04).

E. J. Dionne, Jr., Washington, D.C.—For being named an honorary Iowan. Senator Beall (1/19/04).

Ralf J. Leto, Des Moines—For celebrating your 80th birthday on January 25, 2004. Senator Hatch (1/25/04).

Victoria T. Leto, Des Moines—For celebrating your 80th birthday on January 25, 2004. Senator Hatch (1/25/04).

Mary Merfeld, Cascade—For celebrating your 100th birthday on January 17, 2004. Senator Hosch (1/17/04).

David, Diane, and Dresden Petty, Eldora—For receiving the Iowa's Good Neighbor Award for Land Stewardship. Senator McKibben (1/23/04).

Walt Stevens, Fort Dodge—For celebrating your 50th anniversary with the Fort Dodge Messenger. Senator Beall (2/15/04).

Nick Swenson, Waukon—For achieving the rank of Eagle Scout, Boy Scout Troop 64. Senator Zieman (1/20/04).

Dorothy B. White, Davenport—For celebrating your 90th birthday on September 28, 2003. Senator Seng (9/28/03).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: January 21, 2004, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; and Dvorsky.

Members Absent: Courtney, Ranking Member; and Wieck (both excused).

Committee Business: Presentations by representatives of the departments of Lottery, Inspections and Appeals, and Public Safety. Subcommittee assignments and withdrawal of bills from further committee consideration.

Adjourned: 4:25 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 21, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Presentations by representatives of the Department of Human Services.

Adjourned: 4:20 p.m.

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

Convened: January 21, 2004, 3:10 p.m.

Members Present: Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; and Beall.

Members Absent: Lamberti (excused).

Committee Business: Discussion of the Governor's proposed budget and presentation by representatives of the Department of Transportation.

Adjourned: 3:55 p.m.

COMMERCE

Convened: January 22, 2004, 1:15 p.m.

Members Present: Behn, Chair; Warnstadt, Ranking Member; Bolkom, Gronstal, Kettering, Lundby, Putney, Schuerer, and Stewart.

Members Absent: Wieck, Vice Chair; Beall, Brunkhorst, McCoy, Redfern, and Sievers (all excused).

Committee Business: Subcommittee assignments and withdrawal of bills from further committee consideration.

Adjourned: 1:20 p.m.

EDUCATION

Convened: January 22, 2004, 10:05 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, and Rehberg.

Members Absent: Angelo, Brunkhorst, and Iverson (all excused).

Committee Business: Presentation by representatives of the Department of Education regarding the condition of education in Iowa and the implementation of the No Child Left Behind act.

Adjourned: 11:40 a.m.

LOCAL GOVERNMENT

Convened: January 22, 2004, 10:40 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Hatch, Hosch, Houser, Kettering, Kreiman, McCoy, Seymour, and Stewart.

Members Absent: Angelo and Rehberg (both excused).

Committee Business: Organizational meeting.

Adjourned: 10:45 a.m.

STATE GOVERNMENT

Convened: January 22, 2004, 9:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Tinsman, and Veenstra.

Members Absent: Black, Lamberti, and Shull (all excused).

Committee Business: Discussion of previous year's bills.

Adjourned: 9:50 a.m.

TRANSPORTATION

Convened: January 22, 2004, 11:05 a.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Dearden, Fraise, Houser, Johnson, Rehberg, Warnstadt, and Zieman.

Members Absent: Beall, Iverson, and Shull (all excused).

Committee Business: Passed SF 2001. Subcommittee assignment.

Adjourned: 11:35 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2003, by Warnstadt, a joint resolution requesting the Congress of the United States to submit to the states for ratification an amendment to the United States Constitution providing for a nonpartisan approach to congressional redistricting.

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

Senate Resolution 106, by Warnstadt, Kreiman, Bolkcom, Beall, Dvorsky, Ragan, Courtney, Dotzler, Gronstal, Stewart, Quirnbach, Hatch, McCoy, Holveck, and Black, a resolution to amend Rule 39 of the Rules of the Senate.

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

INTRODUCTION OF BILLS

Senate File 2027, by McKibben, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

Senate File 2028, by Miller, a bill for an act relating to the budget certification deadline for counties and providing an applicability date.

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

Senate File 2029, by Johnson, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

Senate File 2030, by Bolkcom, a bill for an act relating to the amount of the personal needs allowance for residents of nursing facilities under the medical assistance program.

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

Senate File 2031, by Lundby, McCoy, and Hatch, 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 **State Government.**

STUDY BILLS RECEIVED

SSB 3017 Commerce

Relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

SSB 3018 Commerce

Relating to rules of the Iowa utilities board regarding rate regulation proceedings.

SSB 3019 Commerce

Relating to the registration and titling of wrecked or salvage travel trailers and fifth-wheel travel trailers.

SSB 3020 Commerce

Relating to the collection of costs associated with residential real estate loans.

SSB 3021 Commerce

Regarding public utility rights-of-way and providing an effective date.

SSB 3022 Judiciary

Relating to an individual's right of publicity, providing remedies, and including an applicability provision.

SSB 3023 Judiciary

Relating to the uniform athlete agents Act and providing remedies and penalties.

SSB 3024 Judiciary

Excluding certain funeral and burial expenses in the determination of medical assistance eligibility.

SSB 3025 Judiciary

Relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

SSB 3026 Judiciary

Relating to agreements to arbitrate and providing remedies.

SSB 3027 Judiciary

Relating to abandonment of a child as grounds for termination of parental rights.

SSB 3028 Judiciary

Relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

SSB 3029 Judiciary

Relating to the statewide welcome center program.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 105**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 58
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

Senate File 107
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

Senate File 117

COMMERCE: Behn, Chair; Beall, Bolkcom, Brunkhorst, and Schuerer

Senate File 227
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

Senate File 232
(Reassignment)

COMMERCE: Behn, Chair; Warnstadt and Wieck

Senate File 261
(Reassignment)

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

Senate File 2014

TRANSPORTATION: Drake, Chair; Dearden and Putney

Senate File 2019

HUMAN RESOURCES: McKinley, Chair; Behn and Holveck

Senate File 2023

HUMAN RESOURCES: Hosch, Chair; Kreiman and Schuerer

House File 586

COMMERCE: Bolkcom, Chair; Kettering and Redfern

SSB 3017

COMMERCE: Kettering, Chair; Lundby and Stewart

SSB 3018

COMMERCE: Brunkhorst, Chair; Gronstal and Putney

SSB 3019

COMMERCE: Putney, Chair; McCoy and Sievers

SSB 3020

COMMERCE: Kettering, Chair; Redfern and Stewart

SSB 3021

COMMERCE: Wieck, Chair; Beall and Schuerer

SSB 3022

JUDICIARY: Miller, Chair; Horn and Tinsman

SSB 3023

JUDICIARY: Brunkhorst, Chair; Kettering and Quirmbach

SSB 3024

JUDICIARY: Tinsman, Chair; Gaskill and McCoy

SSB 3025

JUDICIARY: Kettering, Chair; Boettger and Holveck

SSB 3026

JUDICIARY: Redfern, Chair; Kreiman and McKibben

SSB 3027

JUDICIARY: Boettger, Chair; Brunkhorst and Fraise

SSB 3028

JUDICIARY: Brunkhorst, Chair; Kreiman and Tinsman

SSB 3029

JUDICIARY: Rehberg, Chair; Dotzler and Putney

JOURNAL OF THE SENATE

FIFTEENTH CALENDAR DAY
NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, January 26, 2004

The Senate met in regular session at 1:01 p.m., President Lamberti presiding.

Prayer was offered in song by Lauren Hummel, a freshman, and her sister Sara Hummel, a seventh grader, from Spirit Lake, Iowa. Lauren opened with “The Star Spangled Banner” followed by Lauren and Sara singing “God Bless America.” They were the guests of Senator Johnson.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Amy Penniston and Matt Kronlage.

The Journal of Thursday, January 22, 2004, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 22, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2039, a bill for an act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by revising the percentage amount used for the limitation, providing for a standing

limited appropriation to the senior living trust fund, and including effective date and applicability provisions.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:14 p.m. until 8:30 a.m., Tuesday, January 27, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 26, 2004

IOWA CHILD ADVOCACY BOARD

FY 2003 Annual Report.

DEPARTMENT OF HUMAN SERVICES

Mental Health and Developmental Disabilities Commission Annual Report, pursuant to Iowa Code section 225C.6.

CERTIFICATES OF RECOGNITION

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

Tina Coppock, Marshalltown—For receiving the 2003 Pork Producers Belle Ringer Award. Senator McKibben (1/29/04).

Trenton D. Eyman, Bettendorf—For achieving the rank of Eagle Scout. Senator Tinsman (1/24/04).

Bob Hackbarth, Dows—For giving 30 years of service. Senator Iverson (1/26/04).

Jodella Legvold, Eagle Grove—For celebrating your 90th birthday on January 17, 2004. Senator Iverson (1/17/04).

Marion and Dorothy Smith, Nevada—For celebrating your 50th wedding anniversary. Senator Iverson (1/30/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 22, 2004, 3:25 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Bolcom and Veenstra.

Members Absent: Hatch, Ranking Member (excused).

Committee Business: Representatives of the Legislative Fiscal Agency, the Governor's office, and the departments of Human Services and Public Health discussed the Governor's budget recommendations.

Adjourned: 4:40 p.m.

BUSINESS AND LABOR RELATIONS

Convened: January 26, 2004, 1:45 p.m.

Members Present: Schuerer, Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, McKibben, Seymour, and Wieck.

Members Absent: Lundby, Vice Chair; and Kettering (both excused).

Committee Business: Subcommittee assignment.

Adjourned: 1:50 p.m.

EDUCATION

Convened: January 26, 2004, 1:30 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, and Rehberg.

Members Absent: Angelo, Brunkhorst, and Iverson (all excused).

Committee Business: Presentations by the Iowa Virtual School Program, the Belin-Blank Online Academy, and the Department of Education's Iowa Learning Online.

Adjourned: 2:30 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 107, by Iverson and Gronstal, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day.

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

INTRODUCTION OF BILLS

Senate File 2032, by committee on Transportation, a bill for an act relating to bicycles on primary highways and providing a penalty.

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

Senate File 2033, by Kettering, a bill for an act increasing speed limits on certain multilaned, divided highways and primary highways.

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

Senate File 2034, by Rehberg, McKinley, Hosch, Behn, Boettger, Angelo, Miller, Ziemann, Schuerer, Veenstra, Wieck, Seymour, and Kettering, a bill for an act providing an exemption to dues checkoff in the scope of negotiations for school district and area education agency teachers.

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

Senate File 2035, by Tinsman, a bill for an act relating to the speed limit for vehicles with a gross weight exceeding ten thousand pounds on divided, multilaned highways.

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

Senate File 2036, by Miller, a bill for an act to exempt a successor employer from assuming the unemployment contribution rate of an insolvent predecessor.

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

STUDY BILLS RECEIVED

SSB 3030 Human Resources

Relating to the establishment of a faith-based and community-based organizations network.

SSB 3031 Business and Labor Relations

Concerning the definition of gross misconduct for the purposes of denying unemployment compensation benefits.

SSB 3032 Ways and Means

Relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

SSB 3033 State Government

Concerning the postmortem examination of a horse that dies at a racetrack and including an effective and retroactive applicability date provision.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2016**

COMMERCE: Schuerer, Chair; Behn and Warnstadt

Senate File 2018

JUDICIARY: Miller, Chair; Kettering and McCoy

Senate File 2020

APPROPRIATIONS: Tinsman, Chair; Angelo and Bolcom

Senate File 2021

JUDICIARY: McKibben, Chair; Gaskill and Horn

Senate File 2024

APPROPRIATIONS: Shull, Chair; Angelo and Warnstadt

Senate File 2025

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 2027

JUDICIARY: McKibben, Chair; Boettger and Holveck

SSB 3030

HUMAN RESOURCES: McKinley, Chair; Boettger and Kreiman

SSB 3031

BUSINESS AND LABOR RELATIONS: Kettering, Chair; Horn and Lundby

SSB 3032

WAYS AND MEANS: McKinley, Chair; Connolly and Shull

SSB 3033

STATE GOVERNMENT: Shull, Chair; Dearden and Johnson

FINAL COMMITTEE REPORT OF BILL ACTION**TRANSPORTATION**

Bill Title: *SENATE FILE 2032 (formerly SF 2001), a bill for an act relating to bicycles on primary highways and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Drake, Putney, Dearden, Fraise, Houser, Johnson, Rehberg, and Zieman. Nays, 2: McCoy and Warnstadt. Absent, 3: Beall, Iverson, and Shull.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2032, and they were attached to the committee report.

JOURNAL OF THE SENATE

SIXTEENTH CALENDAR DAY
TENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, January 27, 2004

The Senate met in regular session at 8:31 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

The Journal of Monday, January 26, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:34 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:39 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:40 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:51 a.m. until 8:30 a.m., Wednesday, January 28, 2004.

APPENDIX

ANNOUNCEMENT OF APPOINTMENT BY THE PRESIDENT OF THE SENATE

INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION STATE
COUNCIL

(Iowa Code section 907B.3)

James A. Seymour

COMMUNICATION RECEIVED

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

January 27, 2004

DEPARTMENT FOR THE BLIND

Report on purchase of products with recycled content, pursuant to Iowa Code section 216B.3.

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: January 26, 2004, 3:40 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Black, Courtney, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Angelo, Gaskill, and Houser (all excused).

Committee Business: Presentation by Bill Ehm of the Department of Agriculture and Land Stewardship, Soil Conservation Division.

Adjourned: 4:20 p.m.

COMMERCE

Convened: January 27, 2004, 2:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, McCoy, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Lundby and Redfern (both excused).

Committee Business: Presentation by Diane Munns, Iowa Utilities Board.

Adjourned: 2:45 p.m.

ECONOMIC GROWTH

Convened: January 27, 2004, 9:35 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Presentation by Wendell Bailey of the U.S. Small Business Administration.

Adjourned: 10:10 a.m.

RULES AND ADMINISTRATION

Convened: January 27, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, and Dvorsky.

Members Absent: Gaskill, Ragan, Sievers, and Wieck (all excused).

Committee Business: Approved SR 107.

Adjourned: 8:40 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: January 27, 3:05 p.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg, and Stewart.

Members Absent: None.

Committee Business: Overview of the Governor's FY 2005 budget.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: January 27, 2004, 3:05 p.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Organizational meeting.

Adjourned: 3:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 27, 2004, 3:05 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; and Hosch.

Members Absent: Angelo, Vice Chair; and Kreiman (both excused).

Committee Business: Presentation by representatives of the departments of Justice and Revenue. Discussion regarding the Governor's FY 2005 budget.

Adjourned: 3:50 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2004, by Kibbie and Dotzler, a joint resolution nullifying an administrative rule establishing a moratorium on new gambling licenses and providing an effective date.

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

Senate Resolution 108, by Lundby, a resolution honoring the Kirkwood Community College Women's Volleyball Team.

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

INTRODUCTION OF BILLS

Senate File 2037, by Connolly, a bill for an act relating to the exemption from the sales and use taxes of the amounts received from bingo operations run by certain entities exempt from federal income taxation.

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

Senate File 2038, by Courtney, a bill for an act concerning the number of allowable electrical and mechanical amusement devices at a single location.

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

Senate File 2039, by Dearden and Fraise, a bill for an act relating to the composition of the Iowa state fair board by providing that the composition of district directors be bipartisan and gender balanced.

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

Senate File 2040, by Dearden, a bill for an act requiring certain children to wear personal flotation devices while aboard certain vessels and making a penalty applicable.

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

Senate File 2041, by Zieman, a bill for an act providing for a family farm tax credit and providing an effective date.

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

Senate File 2042, by Fraise, Stewart, Seng, Horn, Dearden, Kreiman, Warnstadt, Dvorsky, Quirnbach, Gronstal, Kibbie, Courtney, Ragan, Dotzler, Black, and McCoy, a bill for an act providing for the awarding of a cash prize at an annual raffle.

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

Senate File 2043, by Warnstadt, a bill for an act relating to the dissolution of a school district by its board of directors and the electors of the district, and the reorganization of the school district by the state board of education.

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

Senate File 2044, by Brunkhorst, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

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

Senate File 2045, by Kreiman, a bill for an act relating to filling the office of county attorney by appointment.

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

Senate File 2046, by Gronstal, Bolkcom, and Kibbie, a bill for an act relating to the conduct of elections and voter registration by modifying the age at which an elector is eligible to register to vote and to vote in a school district election, 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, and allowing ongoing absentee voter status for general elections.

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

Senate File 2047, by Kibbie and Dotzler, a bill for an act prohibiting the racing and gaming commission from limiting the number of excursion gambling boat licenses to be issued.

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

Senate File 2048, by Johnson, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

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

Senate File 2049, by Hosch and Rehberg, a bill for an act providing a limitation on liability for any injury or death resulting from the use of donated fire safety or related equipment.

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

Senate File 2050, by Veenstra, a bill for an act providing for an increase in the barrel tax.

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

STUDY BILLS RECEIVED

SSB 3034 Education

Establishing an expiration date for a term of membership on the state board of regents.

SSB 3035 Commerce

Relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions.

SSB 3036 Commerce

Relating to municipal utilities that provide local exchange services, including nonsubscriber costs, the confidentiality and audits of certain accounting records, and exemption from sales and use taxes.

SSB 3037 Commerce

Relating to the municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records and provision of property tax exemptions.

SSB 3038 Commerce

Relating to consideration of costs and revenues by the utilities board in rate regulatory proceedings, and making related changes.

SSB 3039 State Government

Relating to the regulation of pharmacy benefit managers and making appropriations.

SSB 3040 Ways and Means

To adopt federal standards for utility pole attachment rates for municipal utilities.

SSB 3041 State Government

Relating to the use of titles pertaining to physical therapy and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 107**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 108

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 22
(Reassignment)

STATE GOVERNMENT: Schuerer, Chair; Courtney and Shull

Senate File 64
(Reassignment)

STATE GOVERNMENT: Johnson, Chair; Connolly and Zieman

Senate File 151
(Reassignment)

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

Senate File 239
(Reassignment)

STATE GOVERNMENT: Veenstra, Chair; Johnson and Ragan

Senate File 294
(Reassignment)

STATE GOVERNMENT: Shull, Chair; Ragan and Sievers

Senate File 324
(Reassignment)

STATE GOVERNMENT: Sievers, Chair; Dearden and Tinsman

Senate File 2010

TRANSPORTATION: Houser, Chair; Johnson and Warnstadt

Senate File 2015

TRANSPORTATION: Drake, Chair; Iverson and McCoy

Senate File 2017

STATE GOVERNMENT: Schuerer, Chair; Dearden and Shull

Senate File 2022

STATE GOVERNMENT: Sievers, Chair; Ragan and Tinsman

Senate File 2029

TRANSPORTATION: Johnson, Chair; Beall and Putney

Senate File 2031

STATE GOVERNMENT: Shull, Chair; Kibbie and Zieman

Senate File 2034

EDUCATION: Rehberg, Chair; Boettger and Kreiman

Senate File 2038

STATE GOVERNMENT: Schuerer, Chair; Courtney and Shull

Senate File 2039

STATE GOVERNMENT: Zieman, Chair; Ragan and Shull

SSB 3034

EDUCATION: Redfern, Chair; Boettger and Dvorsky

SSB 3035

COMMERCE: Brunkhorst, Chair; Behn, Bolkcom, Putney, and Warnstadt

SSB 3036

COMMERCE: Wieck, Chair; Behn, Bolkcom, Brunkhorst, and McCoy

SSB 3037

COMMERCE: Wieck, Chair; Behn, Bolkcom, Brunkhorst, and McCoy

SSB 3038

COMMERCE: Putney, Chair; Redfern and Warnstadt

SSB 3039

STATE GOVERNMENT: Zieman, Chair; Connolly and Veenstra

SSB 3040

WAYS AND MEANS: Sievers, Chair; McCoy and Wieck

SSB 3041

STATE GOVERNMENT: Sievers, Chair; Ragan and Veenstra

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 107, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, and Dvorsky. Nays, none. Absent, 4: Gaskill, Ragan, Sievers, and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

SEVENTEENTH CALENDAR DAY
ELEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, January 28, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend David Clark, pastor of the First United Methodist Church in Indianola, Iowa. He was the guest of Senator Shull.

The Journal of Tuesday, January 27, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 107.

Senate Resolution 107

On motion of Senator Iverson, **Senate Resolution 107**, a resolution designating January 28, 2004, as Iowa Telecommunications Association Day, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 107, which motion prevailed by a voice vote.

SPECIAL GUESTS

The Chair welcomed to the Senate chamber members of the Iowa Telecommunications Association.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:46 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:48 a.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:01 a.m. until 8:30 a.m., Thursday, January 29, 2004.

APPENDIX

COMMUNICATION RECEIVED

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

January 28, 2004

DEPARTMENT OF REVENUE

Iowa Streamlined Sales Tax Advisory Council 2003 Report, pursuant to 2003 Acts, House File 683.

CERTIFICATES OF RECOGNITION

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

Millie Elam, Fort Dodge—For being a Fort Dodge foster grandparent. Senator Beall (2/5/04).

Kenneth D. Green, New Virginia—For achieving the rank of Eagle Scout, Boy Scout Troop 212. Senator Shull (1/22/04).

Austin Kimler, Bettendorf—For achieving the rank of Eagle Scout, Boy Scout Troop 89. Senator Tinsman (1/29/04).

Madge Vaudt, Fort Dodge—For being a Fort Dodge foster grandparent. Senator Beall (2/5/04).

PETITION

The following petition was presented and placed on file:

From residents of Linn, Jones, Johnson, Washington, Iowa, Benton, Dubuque, and Delaware Counties supporting The Four Oaks Cornerstone program and Iowa's Family Development Self-Sufficiency grants (FaDSS). Senator Horn.

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: January 27, 2004, 3:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Presentations regarding information technology by Administrative Services, local government, and the information technology industry.

Adjourned: 4:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: January 27, 2004, 3:10 p.m.

Members Present: Gaskill, Chair; Black, Ranking Member; and Seymour.

Members Absent: Houser, Vice Chair; and Seng (both excused).

Committee Business: Discussion regarding the Governor's FY 2005 budget recommendations.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 27, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Discussion regarding Medicaid fiscal agent and Iowa Plan status.

Adjourned: 4:50 p.m.

EDUCATION

Convened: January 28, 2004, 9:40 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, and Quirmbach.

Members Absent: Angelo, Holveck, Iverson, Redfern, and Rehberg (all excused).

Committee Business: Presentations regarding IPTV data casting and AEA online.

Adjourned: 10:30 a.m.

GOVERNMENT OVERSIGHT

Convened: January 28, 2004, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Approved SSB 3005.

Adjourned: 3:20 p.m.

RULES AND ADMINISTRATION

Convened: January 28, 2004, 8:45 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Drake, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Courtney and Dvorsky (both excused).

Committee Business: Approved SR 108.

Adjourned: 8:50 a.m.

STATE GOVERNMENT

Convened: January 28, 2004, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: Courtney and Lamberti (both excused).

Committee Business: Presentation by Jack Ketterer, Racing and Gaming Administrator.

Adjourned: 11:35 a.m.

INTRODUCTION OF BILLS

Senate File 2051, by Warnstadt, Dotzler, Seymour, and Black, a bill for an act relating to the designation of a First Americans Day.

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

Senate File 2052, by Warnstadt, Beall, Bolkcom, Seng, Dotzler, Hatch, Ragan, Courtney, McCoy, Black, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Kreiman, Dearden, Horn, and Fraise, a bill for an act prohibiting the imposition of a penalty for failure to remit licensing application or renewal fees while serving on active duty in the military service.

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

Senate File 2053, by Kreiman, a bill for an act requiring special training for reserve peace officers who engage in motor vehicle chases.

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

Senate File 2054, by Warnstadt, Bolkcom, Dotzler, Hatch, Seng, Beall, Quirnbach, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Courtney, Ragan, and Kreiman, a bill for an act requiring the posting of close-clearance warning devices by railroads and providing a penalty.

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

Senate File 2055, by Hatch, Beall, Ragan, Seng, Bolkcom, Warnstadt, Stewart, Dvorsky, Connolly, Gronstal, Black, McCoy, Courtney, Kreiman, Dotzler, Horn, and Dearden, a bill for an act relating to the amount of tax credits that may be approved in a fiscal year under the property rehabilitation tax credit program when projects are located in cultural and entertainment districts.

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

Senate File 2056, by Ragan, Beall, Bolkcom, Kreiman, Courtney, Stewart, Dotzler, Fraise, Dearden, Horn, Connolly, Gronstal, Dvorsky, Black, Warnstadt, Hatch, Seng, Kibbie, Quirnbach, Holveck, and McCoy, 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**.

STUDY BILLS RECEIVED

SSB 3042 State Government

Relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system and providing effective and retroactive applicability dates.

SSB 3043 Local Government

Relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2028

LOCAL GOVERNMENT: Miller, Chair; Houser and Stewart

Senate File 2036

BUSINESS AND LABOR RELATIONS: Seymour, Chair; Courtney and Wieck

Senate File 2041

WAYS AND MEANS: Miller, Chair; Hosch and Stewart

Senate File 2050

WAYS AND MEANS: Putney, Chair; McKinley and Seng

House File 2039

APPROPRIATIONS: Sievers, Chair; Angelo and Dvorsky

SSB 3042

STATE GOVERNMENT: Zieman, Chair; Kibbie and Sievers

SSB 3043

LOCAL GOVERNMENT: Kettering, Chair; Hosch and Kreiman

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 108, a resolution honoring the Kirkwood Community College Women's Volleyball Team.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Gronstal, Boettger, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Courtney and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

EIGHTEENTH CALENDAR DAY
TWELFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, January 29, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by Pastor Richard Sorrentino of New Hope in Christ Ministries in Davenport, Iowa. He was the guest of Senator Sievers.

The Journal of Wednesday, January 28, 2004, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on January 28, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 104, a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

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 consideration Senate Resolution 108.

Senate Resolution 108

On motion of Senator Dvorsky, **Senate Resolution 108**, a resolution honoring the Kirkwood Community College Women's Volleyball Team, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 108, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Dvorsky welcomed to the Senate chamber Eagles Head Coach DeAnn Woodin and members of the Kirkwood Community College Women's Volleyball Team.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, for the day, on request of Senator Iverson.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:05 a.m. until 1:00 p.m., Monday, February 2, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

January 29, 2004

DEPARTMENT OF TRANSPORTATION

Biodiesel Fuel Revolving Fund Expenditures for FY 2003—notification that the report in electronic form is available online.

Office of Contracts Letting Highway Construction Expenditures for July 1, 2002, through June 30, 2003—notification that the report in electronic form is available online.

AGENCY ICN REPORT

DEPARTMENT OF TRANSPORTATION

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Cassie Beattie, Runnells—For supporting the Leukemia and Lymphoma Society by completing the 2004 Walt Disney Marathon in Orlando, Florida. Senator Black (1/29/04).

Theresa Cleveringa, Sioux Center—For being a Kensey Elementary foster grandparent. Senator Veenstra (2/5/04).

Sara Coleman, Norwalk—For receiving the 2003 National Educator Award. Senator Shull (1/29/04).

Alice Koele, Hull—For being a Rock Valley High School foster grandparent. Senator Veenstra (2/5/04).

Mardelle Ploeger, Sioux Center—For being a West Sioux Elementary foster grandparent. Senator Veenstra (2/5/04).

Dottie Van Berkum, Rock Valley—For being a Starkweather Elementary foster grandparent. Senator Veenstra (2/5/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: January 28, 2004, 4:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: Black and Houser (both excused).

Committee Business: Approved SSB 3003. Removed bills from further consideration of committee. Subcommittee assignments.

Adjourned: 4:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 28, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Review of Department of Human Services programs and funding.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: January 28, 2004, 3:05 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch, and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: David K. Boyd, State Court Administrator, gave an update on the current status of the judicial branch.

Adjourned: 3:50 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: January 28, 2004, 3:05 p.m.

Members Present: Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; and Beall.

Members Absent: Lamberti (excused).

Committee Business: Discussion regarding the transportation appropriations bill draft.

Adjourned: 3:30 p.m.

AGRICULTURE

Convened: January 29, 2004, 11:10 a.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann.

Members Absent: Angelo (excused).

Committee Business: Donna Gwinn, Grain Warehouse Bureau Chief, gave an update on the state of the grain industry and the federal warehouse issue.

Adjourned: 11:40 a.m.

COMMERCE

Convened: January 29, 2004, 1:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolcom, Gronstal, Kettering, McCoy, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Brunkhorst, Lundby, and Redfern (all excused).

Committee Business: Presentation on natural gas.

Adjourned: 2:15 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: January 29, 2004, 2:35 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Dearden, Holveck, Kettering, Kibbie, Redfern, and Ziemann.

Members Absent: Bolcom, Brunkhorst, Drake, Lundby, and Miller (all excused).

Committee Business: Presentation on water quality of Iowa lakes and rivers.

Adjourned: 2:55 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2005, by Schuerer, Rehberg, Zieman, Wieck, McKibben, Behn, Angelo, Miller, Hosch, Seymour, Kettering, Johnson, McKinley, Veenstra, Sievers, Boettger, and Houser, a joint resolution petitioning Congress to propose an amendment to the Constitution of the United States defining marriage as the legal union between one man and one woman as husband and wife.

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

INTRODUCTION OF BILLS

Senate File 2057, by committee on Government Oversight, a bill for an act requiring the lottery authority to submit budget information to the legislature.

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

Senate File 2058, by Tinsman, Dvorsky, Lundby, Putney, Sievers, Shull, Boettger, Seymour, Bolkom, Ragan, and Lamberti, a bill for an act relating to payment of health care coverage costs for state employees for biologically based mental illness treatment services.

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

Senate File 2059, by committee on Appropriations, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

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

Senate File 2060, by Angelo, a bill for an act authorizing a county to contract for the performance of certain veterans affairs and general assistance duties.

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

STUDY BILL RECEIVED

SSB 3044 Agriculture

Relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2004

STATE GOVERNMENT: Sievers, Chair; Courtney and Drake

Senate File 2042

STATE GOVERNMENT: Veenstra, Chair; Ragan and Schuerer

Senate File 2046

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

Senate File 2047

STATE GOVERNMENT: Johnson, Chair; Kibbie and Veenstra

Senate File 2051

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

Senate File 2053

STATE GOVERNMENT: Shull, Chair; Courtney and Sievers

Senate File 2055

LOCAL GOVERNMENT: Miller, Chair; Houser and Kreiman

SSB 3044

AGRICULTURE: Houser, Chair; Kibbie and Putney

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2059 (SSB 3003), a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Bolkom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 2: Black and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 2057 (SSB 3005), a bill for an act requiring the lottery authority to submit budget information to the legislature.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

TWENTY-SECOND CALENDAR DAY
THIRTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 2, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Maddison Sieck and Laura Thomas.

The Journal of Thursday, January 29, 2004, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:10 p.m. until 8:30 a.m., Tuesday, February 3, 2004.

APPENDIX

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

ADMINISTRATOR OF THE DIVISION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.2)

| | |
|--------------------------|---------------------------------------|
| Kimberly Baxter, Altoona | 08/01/2003 – Pleasure of the Governor |
|--------------------------|---------------------------------------|

COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)

| | |
|--------------------------------|-------------------------|
| Michael Blackwell, Cedar Falls | 06/23/2003 – 04/30/2006 |
|--------------------------------|-------------------------|

BOARD OF ATHLETIC TRAINING EXAMINERS (Sec. 147.14(18))

| | |
|----------------------------|-------------------------|
| Daniel McGuire, Des Moines | 05/01/2003 – 04/30/2006 |
|----------------------------|-------------------------|

CITY DEVELOPMENT BOARD (Sec. 368.9)

| | |
|----------------------|-------------------------|
| Jay Howe, Greenfield | 10/27/2003 – 04/30/2009 |
|----------------------|-------------------------|

CRIMINAL AND JUVENILE JUSTICE PLANNING ADVISORY COUNCIL (216A.132)

| | |
|-----------------------------|-------------------------|
| Paul Fitzgerald, Colo | 10/30/2003 – 04/30/2006 |
| Daniel Hoeger, Cedar Rapids | 10/21/2003 – 04/30/2006 |

BOARD OF TRUSTEES OF THE IOWA CULTURAL TRUST (Sec. 303A.5)

| | |
|-------------------------------|-------------------------|
| Willard Boyd, Iowa City | 09/15/2003 – 04/30/2006 |
| Catherine Gallagher, Waterloo | 09/15/2003 – 04/30/2005 |
| Mary Kelly, Des Moines | 09/15/2003 – 04/30/2005 |
| Kim Poam Logan, Des Moines | 09/15/2003 – 04/30/2006 |
| Henry Neuman, Le Claire | 09/15/2003 – 04/30/2005 |

ECONOMIC DEVELOPMENT MARKETING BOARD (Sec. 15G.109)

| | |
|--------------------------------|-------------------------|
| David Bernstein, Sioux City | 07/01/2003 – 04/30/2004 |
| Mary Chapman, Des Moines | 07/01/2003 – 04/30/2005 |
| Teri Goodmann, Dubuque | 07/01/2003 – 04/30/2006 |
| Chris Harshbarger, Cedar Falls | 07/01/2003 – 04/30/2004 |
| Craig Lang, Brooklyn | 07/01/2003 – 04/30/2005 |
| Mary O'Keefe, Cumming | 07/01/2003 – 04/30/2006 |
| Gary Wells, Le Mars | 07/01/2003 – 04/30/2005 |

IOWA EMPOWERMENT BOARD (Sec. 28.3)

| | |
|----------------------------------|-------------------------|
| Darshini Jayawardena, Mason City | 10/20/2003 – 04/30/2004 |
| Floyd Winter, Cedar Falls | 10/20/2003 – 04/30/2006 |

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)

| | |
|-------------------------------|-------------------------|
| Janet Carl, Grinnell | 06/10/2003 – 04/30/2009 |
| Gerald Sullivan, Cedar Rapids | 06/10/2003 – 04/30/2005 |

| | |
|---|---------------------------------------|
| IOWA FINANCE AUTHORITY (Sec. 16.2) | |
| Douglas Walter, Bettendorf | 10/29/2003 – 04/30/2005 |
| IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4) | |
| Sandy Simpson, Onawa | 11/20/2003 – 04/30/2005 |
| GROW IOWA VALUES BOARD (Sec 15G.102) | |
| Kathy Alden, Dougherty | 07/01/2003 – 04/30/2005 |
| Bonnie Barney, Tiffin | 07/01/2003 – 04/30/2006 |
| Mary Chapman, Des Moines | 07/01/2003 – 04/30/2005 |
| Nancy Dunkel, Dyersville | 07/01/2003 – 04/30/2006 |
| James Hancock, Davenport | 10/15/2003 – 04/30/2006 |
| Gerald Kirke, West Des Moines | 07/01/2003 – 04/30/2004 |
| Craig Lang, Brooklyn | 07/01/2003 – 04/30/2005 |
| John Lisle, Clarinda | 07/01/2003 – 04/30/2004 |
| Marcia Nichols, Johnston | 07/01/2003 – 04/30/2005 |
| Henry Royer, Cedar Rapids | 07/01/2003 – 04/30/2006 |
| Toby Shine, Wahpeton | 07/01/2003 – 04/30/2004 |
| GROW IOWA VALUES REVIEW COMMISSION (Sec. 15G.105) | |
| Harvey Siegelman, Des Moines | 07/01/2003 – 04/30/2005 |
| HEALTH FACILITIES COUNCIL (Sec. 135.62) | |
| Sidney Scott, Dubuque | 05/01/2003 – 04/30/2009 |
| COUNCIL ON HUMAN SERVICES (Sec. 217.2) | |
| Roberta Yoder, Urbandale | 08/29/2003 – 04/30/2009 |
| IOWACCESS ADVISORY COUNCIL (Sec. 14B.201) | |
| Mary Maloney, Des Moines | 08/29/2003 – 04/30/2007 |
| INVESTMENT BOARD OF IPERS (Sec. 97B.8A) | |
| Lorie Bennett, Humboldt | 12/09/2003 – 04/30/2007 |
| Lana Dettbarn, Blue Grass | 04/15/2003 – 04/30/2005 |
| LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3) | |
| Jack Leaman, Mason City | 06/23/2003 – 04/30/2005 |
| Paul Popelka, Ames | 06/10/2003 – 04/30/2006 |
| ADMINISTRATOR OF THE DIVISION OF LATINO AFFAIRS (Sec. 216A.2) | |
| John-Paul Chaisson-Cardenas, Iowa City | 08/11/2003 – Pleasure of the Governor |
| LOAN AND CREDIT GUARANTEE ADVISORY BOARD (Sec. 15E.226) | |
| Robin Anderson, Mason City | 07/01/2003 – 04/30/2005 |
| Martha Jane Bell, Atlantic | 07/01/2003 – 04/30/2004 |
| Jose Laracuente, Ankeny | 07/01/2003 – 04/30/2005 |
| William Logan, Keokuk | 07/01/2003 – 04/30/2006 |
| Donna Sorensen, Iowa City | 07/01/2003 – 04/30/2006 |
| John Stavnes, Bettendorf | 07/01/2003 – 04/30/2004 |
| Gary Streit, Cedar Rapids | 07/01/2003 – 04/30/2006 |
| BOARD OF MEDICAL EXAMINERS (Sec. 147.14(2)) | |
| Yasyn Lee, Dubuque | 11/17/2003 – 04/30/2004 |

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION

(Sec. 225C.5(1))

Patricia Penning, Le Mars

08/14/2003 – 04/30/2005

BOARD OF MORTUARY SCIENCE EXAMINERS (Sec. 147.14(16))

Paul Johnson, West Des Moines

05/16/2003 – 04/30/2006

IOWA COMPREHENSIVE PETROLEUM UNDERGROUND STORAGE TANK FUND BOARD (Sec. 455G.4)

Douglas Beech, Ankeny

10/29/2003 – 04/30/2005

Delia Meier, Bettendorf

11/05/2003 – 04/30/2007

BOARD OF PHYSICIAN ASSISTANT EXAMINERS (Sec. 147.14(12))

Peter Peterson, Davenport

04/15/2003 – 04/30/2005

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

Christopher Atchison, Iowa City

06/06/2003 – 04/30/2006

BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))

Sandra Dirks, Grimes

11/12/2003 – 04/30/2004

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

Gerald Bair, Ankeny

08/20/2003 – 04/30/2005

STATE BOARD OF REGENTS (Sec. 262.1-2)

Jenny Rokes, Dike

01/22/2004 – 04/30/2009

RENEWABLE FUELS AND COPRODUCTS ADVISORY COMMITTEE (Sec. 159A.4)

John Ryan, Underwood

05/01/2003 – 04/30/2006

The appointments were referred to the committee on **Rules and Administration**.

COMMUNICATION RECEIVED

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

January 30, 2004

DEPARTMENT OF HUMAN RIGHTS

2003 Annual Report of the Commission on the Status of Woman—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Samuel A. Hickman, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Veenstra (2/1/04).

Andrew Lundgren, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Veenstra (2/1/04).

Henry James Marquard—For achieving the rank of Eagle Scout, Boy Scout Troop 783. Senator Drake (1/29/04).

Anthony Otten, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Veenstra (2/1/04).

Brandon Punt, Orange City—For achieving the rank of Eagle Scout, Boy Scout Troop 208. Senator Veenstra (2/1/04).

Lloyd Vorwald, Holy Cross—For 40 years of service as a volunteer firefighter. Senator Hosch (2/2/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: January 29, 2004, 3:05 p.m.

Members Present: Johnson, Vice Chair.

Members Absent: Tinsman, Chair; Hatch, Ranking Member; Bolkom, and Veenstra (all excused).

Committee Business: Continued discussion of Department of Human Services programs and funding.

Adjourned: 3:45 p.m.

EDUCATION

Convened: February 2, 2004, 1:35 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Brunkhorst, Holveck, Hosch, Kreiman, Quirnbach, Redfern, and Rehberg.

Members Absent: Angelo, Behn, Dvorsky, and Iverson (all excused).

Committee Business: Presentations by UNI's college of education regarding Iowa teaching standards and by Ted Stilwell, Dept. of Education, regarding teacher compensation.

Adjourned: 2:40 p.m.

HUMAN RESOURCES

Convened: February 2, 2004, 2:45 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: Behn (excused).

Committee Business: Discussion on upcoming committee bills.

Adjourned: 3:10 p.m.

TRANSPORTATION

Convened: February 2, 2004, 2:35 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, and Zieman.

Members Absent: Iverson and Warnstadt (both excused).

Committee Business: Passed SF 2029. Subcommittee assignments.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 102, by Gronstal, Kibbie, McCoy, Courtney, Ragan, Hatch, Dotzler, Seng, Bolckom, Warnstadt, Kreiman, Quirnbach, Beall, Stewart, Dvorsky, Connolly, Fraise, Horn, Dearden, Black, and Holveck, a concurrent resolution requiring the House Speaker and Senate Majority Leader to cease the litigation against the Governor regarding certain item vetoes of legislation.

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

Senate Resolution 109, by Rehberg, a resolution declaring February 12, 2004, Marriage and Family Day.

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

INTRODUCTION OF BILLS

Senate File 2061, by Beall, a bill for an act relating to child restraint requirements for motor vehicle operators and making a penalty applicable.

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

Senate File 2062, by Miller, a bill for an act relating to county management plans for mental health, mental retardation, and developmental disabilities services by limiting financial responsibility under certain circumstances for an individual's county of legal settlement for services authorized by the individual's county of residence and providing an applicability date.

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

Senate File 2063, by Beall, Courtney, Ragan, Stewart, Hatch, Bolkom, Seng, Kibbie, Black, Connolly, Dvorsky, Dearden, Horn, Holveck, Dotzler, Warnstadt, Kreiman, and Fraise, a bill for an act prohibiting a state agency from awarding a state contract to, or transacting business with, a nonresident alien and providing for related matters.

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

Senate File 2064, by Beall, Kreiman, and Hatch, a bill for an act requiring consent of the parent of a minor to obtain body piercing and providing a penalty.

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

Senate File 2065, by Beall, Courtney, Ragan, Stewart, Hatch, Quirnbach, Kreiman, Bolkom, Seng, Kibbie, Black, Gronstal,

Connolly, Dvorsky, Dearden, Horn, Holveck, Dotzler, Warnstadt, Putney, Kettering, Seymour, Miller, Fraise, and Shull, a bill for an act relating to waiver of penalties for late motor vehicle registration for activated national guard and reserve forces members.

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

STUDY BILLS RECEIVED

SSB 3045 Agriculture

Relating to agricultural contracts and providing penalties.

SSB 3046 Transportation

Relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2005

HUMAN RESOURCES: Schuerer, Chair; Kreiman and Veenstra

Senate File 411

HUMAN RESOURCES: Veenstra, Chair; Boettger and Hatch

Senate File 2030

HUMAN RESOURCES: Veenstra, Chair; Behn and Horn

Senate File 2044

STATE GOVERNMENT: Tinsman, Chair; Courtney and Shull

Senate File 2045

JUDICIARY: Kreiman, Chair; McKibben and Miller

Senate File 2048

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Black and Kettering

Senate File 2049

JUDICIARY: Gaskill, Chair; Holveck and Tinsman

Senate File 2052

STATE GOVERNMENT: Schuerer, Chair; Black and Johnson

SSB 3045

AGRICULTURE: Houser, Chair; Courtney and Zieman

SSB 3046

TRANSPORTATION: Putney, Chair; Dearden, Drake, Johnson, and Warnstadt

JOURNAL OF THE SENATE

TWENTY-THIRD CALENDAR DAY
FOURTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 3, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Kevin Gingerich, pastor of the United Methodist Churches in Bloomfield and Drakesville, Iowa. He was the guest of Senator Kreiman.

The Journal of Monday, February 2, 2004, was approved.

RECESS

On motion of Senator Boettger, the Senate recessed at 8:36 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:41 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:43 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Pro Tempore Angelo presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:10 p.m. until 4:30 p.m.

APPENDIX — 1**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 3, 2004:

AGRICULTURE

Sandy Simpson – Iowa Grain Indemnity Fund Board

ECONOMIC GROWTH

David Bernstein – Economic Development Marketing Board
Mary Chapman – Economic Development Marketing Board
Teri Goodmann – Economic Development Marketing Board
Chris Harshbarger – Economic Development Marketing Board
Craig Lang – Economic Development Marketing Board
Mary O'Keefe – Economic Development Marketing Board
Gary Wells – Economic Development Marketing Board

Kathy Alden – Grow Iowa Values Board
Bonnie Barney – Grow Iowa Values Board
Mary Chapman – Grow Iowa Values Board
Nancy Dunkel – Grow Iowa Values Board
James Hancock – Grow Iowa Values Board
Gerald Kirke – Grow Iowa Values Board
Craig Lang – Grow Iowa Values Board
John Lisle – Grow Iowa Values Board
Marcia Nichols – Grow Iowa Values Board
Henry Royer – Grow Iowa Values Board
Toby Shine – Grow Iowa Values Board

Harvey Siegelman – Grow Iowa Values Review Commission

Robin Anderson – Loan and Credit Guarantee Advisory Board
Martha Jane Bell – Loan and Credit Guarantee Advisory Board
Jose Laracuente – Loan and Credit Guarantee Advisory Board
William Logan – Loan and Credit Guarantee Advisory Board

Donna Sorensen – Loan and Credit Guarantee Advisory Board
John Stavnes – Loan and Credit Guarantee Advisory Board
Gary Streit – Loan and Credit Guarantee Advisory Board

EDUCATION

Jenny Rokes – State Board of Regents

HUMAN RESOURCES

Daniel McGuire – Board of Athletic Training Examiners

Darshini Jayawardena – Iowa Empowerment Board
Floyd Winter – Iowa Empowerment Board

Sidney Scott – Health Facilities Council

Roberta Yoder – Council on Human Services

Patricia Penning – Mental Health and Developmental Disabilities Commission

Peter Peterson – Board of Physician Assistant Examiners

Christopher Atchison – Prevention of Disabilities Policy Council

JUDICIARY

Paul Fitzgerald – Criminal and Juvenile Justice Planning Advisory Council
Daniel Hoeger – Criminal and Juvenile Justice Planning Advisory Council

LOCAL GOVERNMENT

Jay Howe – City Development Board

NATURAL RESOURCES AND ENVIRONMENT

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank
Fund Board
Delia Meier – Iowa Comprehensive Petroleum Underground Storage Tank
Fund Board

John Ryan – Renewable Fuels and Coproducts Advisory Committee

STATE GOVERNMENT

Kimberly Baxter – Administrator of the Division on the Status of African-
Americans

Michael Blackwell – Commission on the Status of African-Americans

Willard Boyd – Board of Trustees of the Iowa Cultural Trust
Catherine Gallagher – Board of Trustees of the Iowa Cultural Trust

Mary Kelly – Board of Trustees of the Iowa Cultural Trust
 Kim Poam Logan – Board of Trustees of the Iowa Cultural Trust
 Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Janet Carl – Iowa Ethics and Campaign Disclosure Board
 Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Mary Maloney – IowaAccess Advisory Council

Lorie Bennett – Investment Board of IPERS
 Lana Dettbarn – Investment Board of IPERS

Jack Leaman – Landscape Architectural Examining Board
 Paul Popelka – Landscape Architectural Examining Board

John-Paul Chaisson-Cardenas – Administrator of the Division of Latino Affairs

Yasyn Lee – Board of Medical Examiners

Paul Johnson – Board of Mortuary Science Examiners

Sandra Dirks – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission

WAYS AND MEANS

Douglas Walter – Iowa Finance Authority

COMMUNICATIONS RECEIVED

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

February 3, 2004

DEPARTMENT OF EDUCATION

Annual Report of the Iowa Child Development Coordinating Council, pursuant to Iowa Code section 256A.3(8).

DEPARTMENT OF MANAGEMENT

Standing appropriation report for fiscal years ending June 30, 2002 and 2003—notification that the report in electronic form is available online.

OFFICE OF STATE TREASURER OF IOWA

Linked Investments for Tomorrow Annual Report for 2003.

CERTIFICATES OF RECOGNITION

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

Jim Harris, Iowa City—For celebrating your 25th anniversary of the Prairie Lights Bookstore. Senator Dvorsky (2/3/04).

Iowa City West High Boys' Soccer Team—For winning the 2003 Iowa Class 2A Soccer Championship. Senator Dvorsky (2/3/04).

Henry Marquard, Muscatine—For achieving the rank of Eagle Scout, Boy Scout Troop 783. Senator Courtney (2/22/04).

Tom Tjelmeland, Ely—For 27 years of service to the city of Ely. Senator Dvorsky (2/3/04).

Clifford and Gladys Traum, Sioux City—For celebrating your 50th wedding anniversary on January 29, 2004. Senator Warnstadt (2/3/04).

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: February 3, 2004, 10:35 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Veenstra.

Members Absent: Lamberti (excused).

Committee Business: Withdrawal of bills from further committee consideration.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

Convened: February 3, 2004, 1:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Approved SSB 3004 (as amended).

Adjourned: 2:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 3, 2004, 10:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, Redfern, and Ziemann.

Members Absent: Black and Lundby (both excused).

Committee Business: Presentation on wind energy. Subcommittee assignments.

Adjourned: 11:30 a.m.

RULES AND ADMINISTRATION

Convened: February 3, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, and Sievers.

Members Absent: Ragan and Wieck (both excused).

Committee Business: Approved Governor's appointments.

Adjourned: 8:40 a.m.

TRANSPORTATION

Convened: February 3, 2004, 1:05 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, Warnstadt, and Ziemann.

Members Absent: Iverson (excused).

Committee Business: Approved SSB 3046. Subcommittee assignments.

Adjourned: 1:15 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 3, 2004, 3:05 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; and Quirmbach.

Members Absent: Putney (excused).

Committee Business: Presentations by representatives of the Iowa Export Assistance Center of the Greater Des Moines Partnership.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 3, 2004, 3:00 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch, and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentations regarding the Division of Homeland Security and Emergency Management and the Office of the State Public Defender.

Adjourned: 4:15 p.m.

INTRODUCTION OF BILLS

Senate File 2066, by committee on Transportation, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

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

Senate File 2067, by Angelo, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer and providing an applicability date.

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

Senate File 2068, by Bolkcom and Dvorsky, a bill for an act to require that public housing constructed using public funds incorporate minimum universal design standards relating to accessibility.

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

Senate File 2069, by Bolkcom and Dvorsky, a bill for an act to require the Iowa finance authority to implement minimum universal design standards, relating to accessibility for persons with disabilities, applicable to all public housing constructed using public funds.

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

Senate File 2070, by committee on Transportation, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

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

STUDY BILLS RECEIVED

SSB 3047 Judiciary

Relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

SSB 3048 Judiciary

Modifying the criminal penalty for certain thefts from retailers.

SSB 3049 Judiciary

Relating to the uniform limited partnership Act and providing a penalty and effective dates.

SSB 3050 Judiciary

Relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

SSB 3051 Commerce

Relating to the temporary authority of a public utility to place certain rates into effect, and making related changes.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 109

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2002

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Black and Dearden

Senate File 2033

TRANSPORTATION: Drake, Chair; Dearden and Rehberg

Senate File 2035

TRANSPORTATION: Drake, Chair; Dearden and Putney

Senate File 2040

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Brunkhorst and Drake

Senate File 2054

TRANSPORTATION: Zieman, Chair; Dearden and Houser

Senate File 2061

TRANSPORTATION: Drake, Chair; Dearden and Johnson

Senate File 2062

HUMAN RESOURCES: McKinley, Chair; Horn and Hosch

Senate File 2063

STATE GOVERNMENT: Johnson, Chair; Connolly and Veenstra

Senate File 2064

HUMAN RESOURCES: Kreiman, Chair; McKinley and Tinsman

Senate File 2065

TRANSPORTATION: Shull, Chair; Beall and Putney

House Concurrent Resolution 104

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

House File 561
(Reassignment)

JUDICIARY: Tinsman, Chair; Holveck and Kettering

SSB 3047

JUDICIARY: Holveck, Chair; Boettger and Tinsman

SSB 3048

JUDICIARY: Brunkhorst, Chair; Boettger and Horn

SSB 3049

JUDICIARY: Miller, Chair; Kreiman and Redfern

SSB 3050

JUDICIARY: McCoy, Chair; Brunkhorst and Kettering

SSB 3051

COMMERCE: Putney, Chair; Redfern and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION

TRANSPORTATION

Bill Title: *SENATE FILE 2066 (formerly SF 2029), a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, and Zieman. Nays, none. Absent, 2: Iverson and Warnstadt.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2066, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2070 (SSB 3046), a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Rehberg, Shull, Warnstadt, and Ziemann. Nays, none. Absent, 1: Iverson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:37 p.m., President Lamberti presiding.

The Senate stood at ease at 4:39 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:25 p.m., President Lamberti presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2059.

Senate File 2059

On motion of Senator McKibben, **Senate File 2059**, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, 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. 2059), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Redfern | Zieman |

Nays, none.

Absent, 1:

Larson

Vacant, 1.

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2059** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:34 p.m. until 8:30 a.m., Wednesday, February 4, 2004.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****JUDICIARY**

Convened: January 26, 2004, 2:30 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Fraise, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, and Tinsman.

Members Absent: Boettger, Brunkhorst, Gaskill, and Lamberti (all excused).

Committee Business: Subcommittee assignments and discussion regarding upcoming committee presentations and committee bills.

Adjourned: 2:50 p.m.

JUDICIARY

Convened: February 2, 2004, 4:05 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Horn, McCoy, Miller, Quirnbach, and Tinsman.

Members Absent: Gaskill, Holveck, Lamberti, and McKibben (all excused).

Committee Business: Discussion regarding SF 2018.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 3, 2004, 3:05 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolcom, and Veenstra.

Members Absent: None.

Committee Business: Overview of child and family services and update on the child welfare redesign by representatives of the Department of Human Services.

Adjourned: 4:35 p.m.

INTRODUCTION OF BILLS

Senate File 2071, by Bolkom and Dvorsky, a bill for an act to require that public housing constructed using Iowa finance authority funds incorporate minimum universal design standards relating to accessibility.

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

Senate File 2072, by Bolkom and Dvorsky, a bill for an act providing for the establishment of a telecommunications relay service and equipment distribution program.

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

Senate File 2073, by Bolkom, a bill for an act relating to information required to be provided and published relative to state-funded health care programs.

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

Senate File 2074, by Bolkom and Connolly, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

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

Senate File 2075, by Dotzler, a bill for an act relating to the refund of unearned accident and health insurance premiums upon the death of the insured.

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

JOURNAL OF THE SENATE

TWENTY-FOURTH CALENDAR DAY
FIFTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 4, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by Father Troy Richmond, Associate Pastor of St. Mary's and St. Patrick's Churches in Ottumwa and St. Mary Magdalen Church in Bloomfield, Iowa. He was the guest of Senator Kreiman.

The Journal of Tuesday, February 3, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:35 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:44 a.m., Senator Sievers presiding.

RECESS

On motion of Senator Veenstra, the Senate recessed at 11:45 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:02 p.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 1:03 p.m. until 8:30 a.m., Thursday, February 5, 2004.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on February 4, 2004, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As a member of the Iowa Grain Indemnity Fund Board:

SANDY SIMPSON – Houser, Chair; Kibbie and Putney

ECONOMIC GROWTH

As members of the Economic Development Marketing Board:

DAVID BERNSTEIN – Rehberg, Chair; McKinley and Stewart
MARY CHAPMAN – Rehberg, Chair; McKinley and Stewart
TERI GOODMANN – Rehberg, Chair; McKinley and Stewart
CHRIS HARSHBARGER – Rehberg, Chair; McKinley and Stewart
CRAIG LANG – Rehberg, Chair; McKinley and Stewart
MARY O'KEEFE – Rehberg, Chair; McKinley and Stewart
GARY WELLS – Rehberg, Chair; McKinley and Stewart

As members of the Grow Iowa Values Board:

KATHY ALDEN – McKinley, Chair; Rehberg and Stewart
BONNIE BARNEY – McKinley, Chair; Rehberg and Stewart
MARY CHAPMAN – McKinley, Chair; Rehberg and Stewart
NANCY DUNKEL – McKinley, Chair; Rehberg and Stewart
JAMES HANCOCK – McKinley, Chair; Rehberg and Stewart
GERALD KIRKE – McKinley, Chair; Rehberg and Stewart
CRAIG LANG – McKinley, Chair; Rehberg and Stewart
JOHN LISLE – McKinley, Chair; Rehberg and Stewart
MARCIA NICHOLS – McKinley, Chair; Rehberg and Stewart
HENRY ROYER – McKinley, Chair; Rehberg and Stewart
TOBY SHINE – McKinley, Chair; Rehberg and Stewart

As a member of the Grow Iowa Values Review Commission:

HARVEY SIEGELMAN – McKinley, Chair; Ragan and Rehberg

As members of the Loan and Credit Guarantee Advisory Board:

ROBIN ANDERSON – Rehberg, Chair; Beall and McKinley
 MARTHA JANE BELL – Rehberg, Chair; Beall and McKinley
 JOSE LARACUENTE – Rehberg, Chair; Beall and McKinley
 WILLIAM LOGAN – Rehberg, Chair; Beall and McKinley
 DONNA SORENSEN – Rehberg, Chair; Beall and McKinley
 JOHN STAVNES – Rehberg, Chair; Beall and McKinley
 GARY STREIT – Rehberg, Chair; Beall and McKinley

EDUCATION

As a member of the State Board of Regents:

JENNY ROKES – Redfern, Chair; Boettger and Dvorsky

HUMAN RESOURCES

As a member of the Board of Athletic Training Examiners:

DANIEL MCGUIRE – Seymour, Chair; Behn and Hatch

As members of the Iowa Empowerment Board:

DARSHINI JAYAWARDENA – Hosch, Chair; Behn and Holveck
 FLOYD WINTER – Hosch, Chair; Behn and Holveck

As a member of the Health Facilities Council:

SIDNEY SCOTT – Behn, Chair; Boettger and Hatch

As a member of the Council on Human Services:

ROBERTA YODER – Boettger, Chair; Horn and Tinsman

As a member of the Mental Health and Developmental Disabilities Commission:

PATRICIA PENNING – Tinsman, Chair; Kreiman and Schuerer

As a member of the Board of Physician Assistant Examiners:

PETER PETERSON – Seymour, Chair; Boettger and Ragan

As a member of the Prevention of Disabilities Policy Council:

CHRISTOPHER ATCHISON – Hosch, Chair; Holveck and Seymour

JUDICIARY

As members of the Criminal and Juvenile Justice Planning Advisory Council:

PAUL FITZGERALD – Horn, Chair; Brunkhorst and Tinsman
DANIEL HOEGER – Quirnbach, Chair; Boettger and Miller

LOCAL GOVERNMENT

As a member of the City Development Board:

JAY HOWE – Angelo, Chair; Kettering and Quirnbach

NATURAL RESOURCES AND ENVIRONMENT

As members of the Iowa Comprehensive Petroleum Underground Storage Tank Fund Board:

DOUGLAS BEECH – Brunkhorst, Chair; Holveck and Miller
DELIA MEIER – Drake, Chair; Lundby and Seng

As a member of the Renewable Fuels and Coproducts Advisory Committee:

JOHN RYAN – Houser, Chair; Dearden and Kettering

STATE GOVERNMENT

As Administrator of the Division on the Status of African-Americans:

KIMBERLY BAXTER – Sievers, Chair; Black and Drake

As a member of the Commission on the Status of African-Americans:

MICHAEL BLACKWELL – Black, Chair; Johnson and Schuerer

As members of the Board of Trustees of the Iowa Cultural Trust:

WILLARD BOYD – Schuerer, Chair; Connolly and Shull
CATHERINE GALLAGHER – Connolly, Chair; Tinsman and Veenstra
MARY KELLY – Dearden, Chair; Shull and Zieman
KIM POAM LOGAN – Shull, Chair; Courtney and Johnson
HENRY NEUMAN – Tinsman, Chair; Ragan and Veenstra

As members of the Iowa Ethics and Campaign Disclosure Board:

JANET CARL – Zieman, Chair; Black and Sievers
GERALD SULLIVAN – Zieman, Chair; Courtney and Drake

As a member of the IowAccess Advisory Council:

MARY MALONEY – Courtney, Chair; Drake and Schuerer

As members of the Investment Board of IPERS:

LORIE BENNETT – Kibbie, Chair; Sievers and Zieman
 LANA DETTBARN – Kibbie, Chair; Sievers and Zieman

As members of the Landscape Architectural Examining Board:

JACK LEAMAN – Drake, Chair; Dearden and Johnson
 PAUL POPELKA – Johnson, Chair; Kibbie and Tinsman

As Administrator of the Division of Latino Affairs:

JOHN-PAUL CHAISSON-CARDENAS – Zieman, Chair; Connolly and Sievers

As a member of the Board of Medical Examiners:

YASYN LEE – Ragan, Chair; Johnson and Shull

As a member of the Board of Mortuary Science Examiners:

PAUL JOHNSON – Connolly, Chair; Courtney and Drake

As a member of the Board of Psychology Examiners:

SANDRA DIRKS – Tinsman, Chair; Black and Johnson

As a member of the State Racing and Gaming Commission:

GERALD BAIR – Zieman, Chair; Courtney and Sievers

WAYS AND MEANS

As a member of the Iowa Finance Authority:

DOUGLAS WALTER – Stewart, Chair; Angelo and Rehberg

COMMUNICATIONS RECEIVED

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

January 15, 2004

STATE APPEAL BOARD

General tort claims, highway tort claims, and settlements and judgments paid during 2003, pursuant to Iowa Code chapter 669.

Claims against the State of Iowa denied during May 2003 through January 2004.

February 4, 2004

DEPARTMENT OF PUBLIC HEALTH

Child Death Review Team Annual Report—notification that the report in electronic form is available online.

Outcomes Monitoring System Iowa Project Year Five Report—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Landon Lewellen, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/11/04).

Agnes Slater, Bob Slater, Carla Timmerman, Brett Timmerman, and Drake Timmerman, Wapello—For being recognized as a five-generation family. Senator Courtney (2/16/04).

Michael Zimmerman, Stanton—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/11/04).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: February 3, 2004, 3:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Discussion regarding effects of changes in property tax valuation, property tax credits, and available funding.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 3, 2004, 3:00 p.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg, and Stewart.

Members Absent: None.

Committee Business: Presentation by Department of Management.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: February 4, 2004, 2:40 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Black, Courtney, Gaskill, Kibbie, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Houser and Putney (both excused).

Committee Business: Presentation regarding modernizing of the veterinary diagnostic laboratory at ISU.

Adjourned: 3:00 p.m.

BUSINESS AND LABOR RELATIONS

Convened: February 4, 2004, 9:35 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, and Wieck.

Members Absent: Seymour (excused).

Committee Business: Discussion regarding SSB 3031.

Adjourned: 9:50 a.m.

EDUCATION

Convened: January 4, 2004, 9:30 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, Quirmbach, Redfern, and Rehberg.

Members Absent: Angelo, Holveck, and Iverson (all excused).

Committee Business: Presentation regarding the Praxis 11 tests and results.

Adjourned: 10:30 a.m.

STATE GOVERNMENT

Convened: February 4, 2004, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Connolly, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra.

Members Absent: Black, Courtney, and Lamberti (all excused).

Committee Business: Approved Governor's appointees and SSB 3042.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 110, by Ragan, Stewart, Beall, Quirmbach, Bolkcom, Kreiman, Hatch, Dotzler, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Horn, Fraise, Dearden, McCoy, Seng, Warnstadt, and Black, a resolution to encourage the expansion of the Iowa priority prescription savings program.

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

INTRODUCTION OF BILLS

Senate File 2076, by committee on Human Resources, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

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

Senate File 2077, by Dotzler, Redfern, Seng, Rehberg, Horn, McCoy, Brunkhorst, Shull, Gaskill, Putney, Dvorsky, Stewart, and Ragan, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

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

Senate File 2078, by committee on State Government, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

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

Senate File 2079, by Kreiman, a bill for an act establishing a surcharge for certain speeding violations, creating a speeding violation surcharge fund, and making an appropriation.

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

Senate File 2080, by Horn, Kibbie, Fraise, McCoy, Beall, Ragan, Kreiman, Quirnbach, Courtney, Dearden, Hatch, Dotzler, Stewart, and Dvorsky, a bill for an act providing for a death benefit for soldiers who die in the line of duty and providing an effective date and retroactive applicability provision.

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

Senate File 2081, by Kreiman, a bill for an act relating to the issuance of certified copies of death certificates.

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

STUDY BILL RECEIVED

SSB 3052 Judiciary

Relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund and establishing criminal offenses for certain interstate compact for adult offender supervision violations, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS

Senate File 124 (Reassignment)

LOCAL GOVERNMENT: Houser, Chair; Hatch and Kettering

Senate File 130

LOCAL GOVERNMENT: Miller, Chair; Seymour and Stewart

Senate File 177
(Reassignment)

LOCAL GOVERNMENT: Rehberg, Chair; Kettering and Stewart

Senate File 306
(Reassignment)

LOCAL GOVERNMENT: Miller, Chair; Hatch and Kettering

Senate File 356

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Miller

Senate File 2060

LOCAL GOVERNMENT: Rehberg, Chair; Seymour and Stewart

Senate File 2067

LOCAL GOVERNMENT: Miller, Chair; Hatch and Rehberg

Senate File 2073

HUMAN RESOURCES: Schuerer, Chair; Hosch and Tinsman

House File 490

LOCAL GOVERNMENT: Houser, Chair; Hosch and McCoy

SSB 3052

JUDICIARY: Redfern, Chair; Fraise and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: *SENATE FILE 2076 (SSB 3004), a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, 2: Holveck and Horn. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2076, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2078 (SSB 3042), a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Zieman, Sievers, Kibbie, Connolly, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, and Veenstra. Nays, none. Absent, 3: Black, Courtney, and Lamberti.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JOURNAL OF THE SENATE

TWENTY-FIFTH CALENDAR DAY
SIXTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 5, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jamie Johnson, pastor of the Stavanger Lutheran Church in Garden City, Iowa. He was the guest of Senator Gaskill.

The Journal of Wednesday, February 4, 2004, was approved.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 8:54 a.m. until 1:00 p.m., Monday, February 9, 2004.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 4, 2004, 4:45 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: Black (excused).

Committee Business: Passed HF 2039.

Recessed: 4:50 p.m.

Reconvened: 4:55 p.m.

Adjourned: 5:05 p.m.

GOVERNMENT OVERSIGHT

Convened: February 4, 2004, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Continued discussion regarding effects of property tax valuation, property tax credits, and available funding.

Adjourned: 4:35 p.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 4, 2004, 3:10 p.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg, and Stewart.

Members Absent: None.

Committee Business: Presentation by Department of Management.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 4, 2004, 3:00 p.m.

Members Present: Shull, Chair; Horn, Ranking Member; and Kibbie.

Members Absent: Boettger, Vice Chair; and Schuerer (both excused).

Committee Business: Presentation by Ted Stilwill, Department of Education, and Leland Tack, administrator of the division of financial and information services.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 4, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom, and Veenstra.

Members Absent: None.

Committee Business: Discussion regarding the Medicare prescription drug bill.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 4, 2004, 3:05 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation by Department of Public Safety.

Adjourned: 4:00 p.m.

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

Convened: February 4, 2004, 3:10 p.m.

Members Present: Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; and Beall.

Members Absent: Lamberti (excused).

Committee Business: Discussed and passed the committee bill on transportation appropriations.

Adjourned: 3:25 p.m.

AGRICULTURE

Convened: February 5, 2004, 11:05 a.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Black, Courtney, Gaskill, Houser, Kibbie, Ragan, Seng, and Zieman.

Members Absent: Angelo, Putney, and Veenstra (all excused).

Committee Business: Presentations regarding a tag ID program for cattle and a farm demonstration program on nitrogen.

Adjourned: 11:55 a.m.

COMMERCE

Convened: February 5, 2004, 1:35 p.m.

Members Present: Behn, Chair; Warnstadt, Ranking Member; and Bolkcom.

Members Absent: Wieck, Vice Chair; Beall, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart (all excused).

Committee Business: Presentations on wind energy and anaerobic digesters.

Adjourned: 2:25 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2006, by Kreiman, Warnstadt, Stewart, Dvorsky, Quirnbach, Gronstal, Dotzler, and Ragan, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to a right to privacy.

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

Senate Concurrent Resolution 103, by Kibbie, a concurrent resolution to urge that the President of the United States and the United States Congress take all steps necessary to ensure that food is labeled with its country of origin by the end of 2004.

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

INTRODUCTION OF BILLS

Senate File 2082, by Kreiman, Hatch, Beall, Stewart, Dvorsky, Kibbie, Courtney, Ragan, Holveck, Dotzler, Seng, Bolkcom, McCoy, Horn, Fraise, and Dearden, a bill for an act relating to the rights, duties, and responsibilities of a person providing family foster care.

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

Senate File 2083, by Bolkcom, Ragan, Connolly, Dvorsky, Dearden, Dotzler, Courtney, Horn, Holveck, and Brunkhorst, a bill for an act relating to required notices and disclosures of delayed deposit services, prohibited acts by licensees, and providing for fees.

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

Senate File 2084, by Lundby, a bill for an act establishing a fine arts motor vehicle registration plate, creating a fine arts fund, and making an appropriation.

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

Senate File 2085, by Lundby, a bill for an act relating to the permissible uses of physical plant and equipment levy revenue, and providing an applicability provision.

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

Senate File 2086, by Lundby, a bill for an act relating to the confidentiality of certain information relating to homeless individuals.

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

Senate File 2087, by Bolkcom, a bill for an act providing for the department of elder affairs to assume authority over appropriations affecting the elderly.

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

Senate File 2088, by Warnstadt, a bill for an act providing a preference for out-of-home placement of children with relatives.

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

STUDY BILLS RECEIVED

SSB 3053 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.

SSB 3054 Judiciary

Relating to the civil commitment of sexually violent predators.

SSB 3055 Judiciary

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

SSB 3056 Judiciary

Relating to gambling by persons under the age of twenty-one and providing penalties.

SSB 3057 Judiciary

Relating to regulation of sales at unused property markets and providing penalties.

SSB 3058 Judiciary

Relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

SSB 3059 Judiciary

Providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

SSB 3060 Judiciary

Relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

SSB 3061 Judiciary

Relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 110**

HUMAN RESOURCES: Boettger, Chair; Behn and Ragan

Senate File 2068

STATE GOVERNMENT: Shull, Chair; Ragan and Veenstra

Senate File 2069

STATE GOVERNMENT: Schuerer, Chair; Black and Johnson

Senate File 2071

STATE GOVERNMENT: Schuerer, Chair; Dearden and Sievers

Senate File 2081

HUMAN RESOURCES: Hosch, Chair; Kreiman and McKinley

Senate File 2082

HUMAN RESOURCES: Tinsman, Chair; Ragan and Schuerer

SSB 3053

APPROPRIATIONS: Seymour, Chair; Angelo and Hatch

SSB 3054

JUDICIARY: Tinsman, Chair; Boettger and Holveck

SSB 3055

JUDICIARY: Boettger, Chair; Fraise and McKibben

SSB 3056

JUDICIARY: Brunkhorst, Chair; Gaskill and Kreiman

SSB 3057

JUDICIARY: Gaskill, Chair; McCoy and McKibben

SSB 3058

JUDICIARY: Redfern, Chair; Boettger and Kreiman

SSB 3059

JUDICIARY: Gaskill, Chair; McCoy and Redfern

SSB 3060

JUDICIARY: Kettering, Chair; Horn and Tinsman

SSB 3061

JUDICIARY: Brunkhorst, Chair; Gaskill and McCoy

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: HOUSE FILE 2039, a bill for an act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by revising the percentage amount used for the limitation, providing for a standing limited appropriation to the senior living trust fund, and including effective date and applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Veenstra, and Ziemann. Nays, 10: Dvorsky, Bolkom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, Tinsman, and Warnstadt. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

STATE GOVERNMENT

Willard Boyd – Board of Trustees of the Iowa Cultural Trust

Lorie Bennett – Investment Board of IPERS

Lana Dettbarn – Investment Board of IPERS

Jack Leaman – Landscape Architectural Examining Board

JOURNAL OF THE SENATE

TWENTY-NINTH CALENDAR DAY
SEVENTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 9, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Mike Andrews, pastor of the Rowley Presbyterian Church in Rowley, Iowa. He was the guest of Senator Rehberg.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Allison Vennerberg and Carolyn Kistler.

The Journal of Thursday, February 5, 2004, was approved.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber a delegation of five international visitors from Saskatchewan, Canada: The Honorable John Nilson, Minister of Health and a member of the New Democratic Party (government party); Ms. Brenda Bakken, Ms. Doreen Eagles, and Mr. Wayne Elhard, members of the Saskatchewan Party (opposition party); and Ms. Debbie Saum, 2005 conference coordinator.

The Senate rose and expressed its welcome.

ANNOUNCEMENT OF VACANCY

President Lamberti announced that notification had been received from the office of Governor Vilsack of the following vacancy in the Senate:

District 30 – Mary Kramer, resignation effective January 14, 2004.

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 Angelo, Chair; Boettger, Putney, Dvorsky, and Connolly.

The Senate stood at ease at 1:15 p.m. until the fall of the gavel.

The Senate resumed session at 1:18 p.m., President Lamberti presiding.

REPORT OF THE COMMITTEE ON CREDENTIALS

MR. PRESIDENT: We, your committee on credentials, respectively report that we find the person named in the attached copy of the certification of the Secretary of State duly elected to and entitled to a seat in the Senate for the remainder of the Eightieth General Assembly.

JEFF ANGELO, Chair
NANCY J. BOETTGER
JOHN PUTNEY
ROBERT E. DVORSKY
MIKE CONNOLLY

STATE OF IOWA
Office of the
Secretary of State
CERTIFICATION

To the Honorable Michael E. Marshall, Secretary of the Senate:

I, CHESTER J. CULVER, Secretary of State of the State of Iowa, custodian of the files and records pertaining to the elections in the state,

DO HEREBY CERTIFY THAT the State Canvassing Board has declared that at a special election held on February 3, 2004, Pat Ward was elected to fill a vacancy in the office of State Senator of the Thirtieth District for the balance of the term that began on January 2, 2002.

(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 sixth day of February, 2004.

CHESTER J. CULVER
Secretary of State

I hereby acknowledge receipt of the original copy of this document on this sixth day of February, 2004.

MICHAEL E. MARSHALL
Secretary of the Senate

Senator Angelo moved the adoption of the report of the committee on credentials, which motion prevailed by a voice vote.

Senator-elect Ward appeared before the rostrum, was duly sworn, and subscribed her name to the oath of office.

SELECTION OF SEATS

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

Senator Iverson moved that the senators be granted the privilege of selecting new seats in order of seniority from unassigned seats; and that first, the Majority Floor Leader and the Minority Floor Leader be permitted to select their seats.

The motion prevailed by a voice vote.

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

| <u>NAME</u> | <u>SEAT NO.</u> |
|-----------------------|-----------------|
| Angelo of Union..... | 48 |
| Beall of Webster..... | 11 |
| Behn of Boone..... | 46 |
| Black of Jasper..... | 29 |

| | |
|--------------------------------|----|
| Boettger of Shelby..... | 38 |
| Bolkcom of Johnson..... | 31 |
| Brunkhorst of Bremer..... | 6 |
| Connolly of Dubuque..... | 45 |
| Courtney of Des Moines..... | 7 |
| Dearden of Polk..... | 21 |
| Dotzler of Black Hawk..... | 5 |
| Drake of Muscatine..... | 40 |
| Dvorsky of Johnson..... | 47 |
| Fraise of Lee..... | 39 |
| Gaskill of Hancock..... | 36 |
| Gronstal of Pottawattamie..... | 37 |
| Hatch of Polk..... | 27 |
| Holveck of Polk..... | 23 |
| Horn of Linn..... | 43 |
| Hosch of Jones..... | 24 |
| Houser of Pottawattamie..... | 30 |
| Iverson of Wright..... | 42 |
| Johnson of Osceola..... | 14 |
| Kettering of Sac..... | 1 |
| Kibbie of Palo Alto..... | 41 |
| Kreiman of Davis..... | 35 |
| Lamberti of Polk..... | 16 |
| Larson of Linn..... | 10 |
| Lundby of Linn..... | 49 |
| McCoy of Polk..... | 15 |
| McKibben of Marshall..... | 34 |
| McKinley of Lucas..... | 26 |
| Miller of Jefferson..... | 22 |
| Putney of Tama..... | 12 |
| Quirnbach of Story..... | 3 |
| Ragan of Cerro Gordo..... | 33 |
| Redfern of Black Hawk..... | 44 |
| Rehberg of Buchanan..... | 20 |
| Schuerer of Iowa..... | 4 |
| Seng of Scott..... | 25 |
| Seymour of Harrison..... | 19 |
| Shull of Warren..... | 2 |
| Sievers of Scott..... | 32 |
| Stewart of Jackson..... | 13 |
| Tinsman of Scott..... | 50 |
| Veenstra of Sioux..... | 28 |
| Ward of Polk..... | 8 |
| Warnstadt of Woodbury..... | 9 |
| Wieck of Woodbury..... | 17 |
| Zieman of Allamakee..... | 18 |

RECESS

On motion of Senator Iverson, the Senate recessed at 1:42 p.m. until 4:30 p.m.

APPENDIX — 1

COMMUNICATIONS RECEIVED

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

February 9, 2004

IOWA HIGHER EDUCATION LOAN AUTHORITY

2003 Annual Report, pursuant to Iowa Code section 261A.21.

DEPARTMENT OF TRANSPORTATION

Coordination of Transit and School Busing in Iowa—notification that the report in electronic form is available online.

AGENCY ICN REPORT

DEPARTMENT OF MANAGEMENT

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATE OF RECOGNITION

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

Pastors Mike and Noelle Andrews, First Presbyterian Church, Rowley—For being pastors of the day. Senator Rehberg (2/9/04).

REPORT OF COMMITTEE MEETING

JUDICIARY

Convened: February 5, 2004, 10:00 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Quirmbach, and Tinsman.

Members Absent: Boettger, Brunkhorst, Lamberti, and Miller (all excused).

Committee Business: Passed SF 2045.

Adjourned: 10:15 a.m.

INTRODUCTION OF BILLS

Senate File 2089, by Lamberti, a bill for an act relating to the local sales and services tax for school infrastructure purposes by removing the duration of tax restriction, removing the limit on the amount of distributions under certain circumstances, and defining the authority to issue bonds in anticipation of receipt of tax revenues.

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

Senate File 2090, by Lamberti, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

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

Senate File 2091, by Lamberti, a bill for an act providing for certification of recreational vehicle driver safety education courses.

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

Senate File 2092, by committee on Judiciary, a bill for an act relating to filling the office of county attorney by appointment.

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

Senate File 2093, by Ragan, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirmbach, Hatch, Warnstadt, Dotzler, Horn, Fraise, Dearden, Bolkcom, McCoy, Beall, Black, Seng, and Kreiman, a bill for an act relating to the healthy opportunities for parents to experience success (HOPES)—healthy families Iowa (HFI) program.

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

Senate File 2094, by Kreiman, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirmbach, Hatch, McCoy, Dotzler, Horn, Fraise, Dearden, Bolkcom, Beall, Black, Warnstadt, Ragan, and Seng, a bill for an act relating to the development of a health care coverage plan for children.

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

Senate File 2095, by Kreiman, Holveck, Courtney, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Quirmbach, Hatch, Warnstadt, Bolkom, McCoy, Dotzler, Horn, Fraise, Dearden, Beall, Ragan, and Seng, a bill for an act requiring the department of human services to comply with national standards for social worker caseloads.

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

Senate File 2096, by Dvorsky and Lundby, a bill for an act relating to the use of a certain transaction fee collected by the county recorder.

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

Senate File 2097, by Bolkom, a bill for an act changing the budget certification deadline for school districts, cities, and counties and providing effective and applicability dates.

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

STUDY BILLS RECEIVED

SSB 3062 Appropriations

Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

SSB 3063 State Government

Allowing the awarding of a cash prize at an annual raffle.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2080

APPROPRIATIONS: Lamberti, Chair; Angelo and Hatch

Senate File 2087

HUMAN RESOURCES: Schuerer, Chair; Horn and McKinley

Senate File 2088

HUMAN RESOURCES: Tinsman, Chair; Hosch and Ragan

SSB 3062

APPROPRIATIONS: McKibben, Chair; Angelo and Warnstadt

SSB 3063

STATE GOVERNMENT: Zieman, Chair; Connolly and Ward

FINAL COMMITTEE REPORT OF BILL ACTION

JUDICIARY

Bill Title: SENATE FILE 2092 (formerly SF 2045), a bill for an act relating to filling the office of county attorney by appointment.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Quirmbach, and Tinsman. Nays, none. Absent, 4: Boettger, Brunkhorst, Lamberti, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMITTEE CHANGES

Senator Iverson announced the following changes to Senate standing committees and the appropriations subcommittee:

Economic Growth: Senator Ward will replace Senator Lamberti.

Education: Senator Ward will replace Senator Iverson.

Judiciary: Senator Ward will replace Senator Lamberti.

State Government: Senator Ward will replace Senator Lamberti.

Transportation: Senator Ward will replace Senator Iverson.

Appropriations Subcommittee on Transportation, Infrastructure, and Capitals: Senator Ward will replace Senator Lamberti.

AFTERNOON SESSION

The Senate reconvened at 3:44 p.m., President Pro Tempore Angelo presiding.

The Senate stood at ease at 3:45 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:50 p.m., President Lamberti presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2066.

Senate File 2066

On motion of Senator Johnson, **Senate File 2066**, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, was taken up for consideration.

Senator Brunkhorst offered amendment S-5002, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5002 lost 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. 2066), the vote was:

Yeas, 44:

| | | | |
|----------|----------|----------|---------|
| Angelo | Dvorsky | Kreiman | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | Lundby | Shull |
| Black | Gronstal | McCoy | Sievers |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | Putney | Tinsman |

| | | | |
|----------|---------|-----------|-----------|
| Connolly | Horn | Quirnbach | Veenstra |
| Courtney | Hosch | Ragan | Ward |
| Dearden | Iverson | Redfern | Warnstadt |
| Dotzler | Johnson | Rehberg | Wieck |
| Drake | Kibbie | Schuerer | Zieman |

Nays, 5:

| | | |
|------------|-----------|--------|
| Brunkhorst | Kettering | Miller |
| Houser | McKinley | |

Absent, 1:

Larson

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 2066** 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 2039.

House File 2039

On motion of Senator Sievers, **House File 2039**, a bill for an act relating to state budget provisions involving the ending balance in the general fund of the state and the state general fund expenditure limitation by transferring funds from the cash reserve fund and by revising the percentage amount used for the limitation, providing for a standing limited appropriation to the senior living trust fund, and including effective date and applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5003, filed by Senators Kreiman and Quirnbach 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-5003 be adopted?” (H.F. 2039), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Kibbie | Seng |
| Black | Dvorsky | Kreiman | Stewart |
| Bolkcom | Fraise | McCoy | Warnstadt |
| Connolly | Gronstal | Quirmbach | |
| Courtney | Holveck | Ragan | |
| Dearden | Horn | Schuerer | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Shull |
| Behn | Houser | McKinley | Sievers |
| Boettger | Iverson | Miller | Tinsman |
| Brunkhorst | Johnson | Putney | Veenstra |
| Drake | Kettering | Redfern | Ward |
| Gaskill | Lamberti | Rehberg | Wieck |
| Hatch | Lundby | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5003 lost.

Senator Fraise offered amendment S-5004, filed by Senator Fraise, et al., from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5004 be adopted?” (H.F. 2039), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5004 lost.

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

On the question "Shall the bill pass?" (H.F. 2039), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Seymour |
| Behn | Houser | McKinley | Shull |
| Boettger | Iverson | Miller | Sievers |
| Brunkhorst | Johnson | Putney | Veenstra |
| Dotzler | Kettering | Redfern | Ward |
| Drake | Lamberti | Rehberg | Wieck |
| Gaskill | Lundby | Schuerer | Zieman |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kibbie | Stewart |
| Black | Fraise | Kreiman | Tinsman |
| Bolkcom | Gronstal | McCoy | Warnstadt |
| Connolly | Hatch | Quirnbach | |
| Courtney | Holveck | Ragan | |
| Dearden | Horn | Seng | |

Absent, 1:

Larson

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 2039** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:39 p.m. until 8:30 a.m., Tuesday, February 10, 2004.

APPENDIX — 2

REPORT OF COMMITTEE MEETING

EDUCATION

Convened: February 9, 2004, 2:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Behn, Brunkhorst, Holveck, Hosch, Quirmbach, and Ward.

Members Absent: Angelo, Beall, Dvorsky, Kreiman, Redfern, and Rehberg (all excused).

Committee Business: Presentation by Carroll Public Schools on laptop initiative.

Adjourned: 3:10 p.m.

INTRODUCTION OF BILLS

Senate File 2098, by Kreiman, a bill for an act relating to the exercise of district judge authority by a district associate judge.

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

Senate File 2099, by Seymour, a bill for an act making appropriations to the department of education for community colleges and making related changes.

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

EXPLANATION OF VOTE

MR. PRESIDENT: I was present in the Senate chamber on February 9, 2004, when the vote was taken on House File 2039. I was present, and I voted "Yea." My vote Yea represented an inadvertent and accidental use of the green button (Yea), when in fact I had intended to exercise the red button (Nay) in the vote. The President of the Senate had closed the machine prior to my being able to change my vote. Let it herein be noted that I opposed final passage of House File 2039.

WILLIAM A. DOTZLER, JR.

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5002 | S.F. | 2066 | Bob Brunkhorst |
| S-5003 | H.F. | 2039 | Keith A. Kreiman Herman C. Quirmbach |
| S-5004 | H.F. | 2039 | Gene Fraise Daryl Beall Dennis H. Black Joe Bolkom Mike Connolly Thomas G. Courtney Dick L. Dearden William A. Dotzler, Jr. Robert E. Dvorsky Michael E. Gronstal Jack Hatch Jack Holveck Wally E. Horn John P. Kibbie Keith A. Kreiman Matt W. McCoy Herman C. Quirmbach Amanda Ragan Joe M. Seng Roger Stewart |

JOURNAL OF THE SENATE

THIRTIETH CALENDAR DAY
EIGHTEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 10, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Dan Witkowski, pastor of St. John's Lutheran Church in Des Moines, Iowa. He was the guest of Senator McCoy.

The Journal of Monday, February 9, 2004, was approved.

SPECIAL GUESTS

Senator McKibben welcomed to the Senate chamber Ryan Huck, Matt Dahlke, Dex Walker, and families. Ryan, Matt, and Dex are members of the Marshalltown High School Swim Team. Matt and Dex saved Ryan's life after pulling him from the MHS pool and administering CPR after noticing Ryan lying unconscious on the bottom of the pool.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:39 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:41 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:42 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., Senator Gaskill presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 11:50 a.m. until 8:30 a.m., Wednesday, February 11, 2004.

APPENDIX

COMMUNICATION RECEIVED

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

February 10, 2004

DEPARTMENT OF HUMAN RIGHTS

2004 Iowa Criminal and Juvenile Justice Plan—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

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

Calvin Hennick, Iowa City—For finishing in 9th place in the William Randolph Hearst Foundation National Opinion Writing Competition for College Journalists. Senator Iverson (2/10/04).

Kimber Lockhart, Ames—For being named as Iowa's Top High School Youth Volunteer for 2004 in the Ninth Annual Prudential Spirit of Community Awards. Senator Quirnbach (2/3/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 4, 2004, 3:10 p.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; and Quirnbach. (Putney present at the Monday, February 10 reconvened meeting.)

Members Absent: Putney (excused).

Committee Business: Presentation on Workforce Development on February 4 and presentation by Partnership for the Southwest Iowa Rural Entrepreneurial Center on February 10.

Recessed: 4:10 p.m.

Reconvened: February 10, 2004, 3:10 p.m.

Adjourned: 3:55 p.m.

JUDICIARY

Convened: February 9, 2004, 2:35 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed SFs 2018, 2021, and 2027 and approved SSB 3028 (all as amended).

Adjourned: 3:15 p.m.

ECONOMIC GROWTH

Convened: February 10, 2004, 10:35 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, and Ward.

Members Absent: Veenstra (excused).

Committee Business: Presentation regarding the Grow Iowa Values Fund.

Adjourned: 11:25 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 10, 2004, 10:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern.

Members Absent: Black and Zieman (both excused).

Committee Business: Approved Governor's appointee. Presentations by West Branch Middle School students and teacher, Terry Christiansen, on oil filter recycling and by Mary Gilcrest regarding the Iowa Hygienic Lab.

Adjourned: 11:40 a.m.

RULES AND ADMINISTRATION

Convened: February 10, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved SR 109.

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 111, by Boettger, a resolution recognizing nursing students and faculty.

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

INTRODUCTION OF BILLS

Senate File 2100, by committee on Judiciary, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

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

Senate File 2101, by committee on Judiciary a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

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

Senate File 2102, by committee on Judiciary, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

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

Senate File 2103, by Warnstadt, a bill for an act relating to the authorization of an instant lottery game providing aid for veterans.

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

Senate File 2104, by Warnstadt, Gronstal, Seymour, Wieck, and Houser, a bill for an act requiring a study of the feasibility of creating a state native prairie preserve in the loess hills.

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

Senate File 2105, by Kibbie, Gronstal, Courtney, Holveck, Ragan, Dotzler, McCoy, Bolkcom, Hatch, Warnstadt, Quirmbach, Stewart, Dvorsky, Connolly, Horn, Fraise, Dearden, Kreiman, and Beall, a bill for an act relating to reductions in the standing appropriations to reimburse local jurisdictions for certain property tax credits and including effective and applicability date provisions.

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

Senate File 2106, by committee on Judiciary, a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

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

STUDY BILLS RECEIVED

SSB 3064 Economic Growth

Requiring special notice and review for any new administrative rules having a substantial impact on small business.

SSB 3065 Human Resources

Relating to the development of the long-term care system in Iowa.

SSB 3066 Commerce

Relating to identity theft, including protections against identity theft and the crime of identity theft, and providing penalties.

SSB 3067 Commerce

Relating to the operation of electrical and mechanical amusement devices by the chamber of commerce.

SSB 3068 Commerce

To permit a state bank to organize as a limited liability company.

SSB 3069 Commerce

Relating to fees charged for delayed redemption of electronic gift cards.

SSB 3070 Human Resources

Relating to the content of immunizations, and making a penalty applicable.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 103**

AGRICULTURE: Hosch, Chair; Johnson and Kibbie

Senate File 2056

COMMERCE: Schuerer, Chair; Behn and Warnstadt

Senate File 2058

COMMERCE: Schuerer, Chair; Behn and Bolkcom

Senate File 2072

COMMERCE: Schuerer, Chair; Bolkcom and Wieck

Senate File 2075

COMMERCE: Putney, Chair; Beall and Redfern

Senate File 2077

APPROPRIATIONS: Dotzler, Chair; Angelo and Tinsman

Senate File 2083

COMMERCE: Schuerer, Chair; Bolkcom and Wieck

Senate File 2093

HUMAN RESOURCES: Boettger, Chair; Ragan and Tinsman

Senate File 2094

HUMAN RESOURCES: McKinley, Chair; Holveck and Schuerer

Senate File 2095

HUMAN RESOURCES: Behn, Chair; Kreiman and Tinsman

Senate File 2096

LOCAL GOVERNMENT: Miller, Chair; Kreiman and Rehberg

Senate File 2097

LOCAL GOVERNMENT: Rehberg, Chair; Hatch and Houser

SSB 3064

ECONOMIC GROWTH: McKinley, Chair; Beall and Shull

SSB 3065

HUMAN RESOURCES: Tinsman, Chair; Ragan and Veenstra

SSB 3066

COMMERCE: Wieck, Chair; Bolkcom and Brunkhorst

SSB 3067

COMMERCE: Sievers, Chair; Beall and Kettering

SSB 3068

COMMERCE: Kettering, Chair; Putney and Stewart

SSB 3069

COMMERCE: Lundby, Chair; Redfern and Stewart

SSB 3070

HUMAN RESOURCES: Veenstra, Chair; Kreiman and McKinley

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: *SENATE FILE 2100 (formerly SF 2021), a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2100, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2101 (formerly SF 2027), a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2101, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2102 (SSB 3028), a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2106 (formerly SF 2018), a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, 3: Holveck, Horn, and McKibben. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2106, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 109, a resolution declaring February 12, 2004, Marriage and Family Day.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Delia Meier – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

JOURNAL OF THE SENATE

THIRTY-FIRST CALENDAR DAY
NINETEENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 11, 2004

The Senate met in regular session at 8:32 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Tom Bowers, pastor of the Windsor Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Tuesday, February 10, 2004, was approved.

INTRODUCTION OF RESOLUTION

Senate Resolution 112, by Rehberg, a resolution declaring February 12, 2004, Marriage and Family Day.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:34 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:39 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:40 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:45 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:46 a.m. until 8:30 a.m., Thursday, February 12, 2004.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 10, 2004, 3:10 p.m.

Members Present: Sievers, Chair; Holveck, Ranking Member; Rehberg, and Stewart.

Members Absent: Zieman, Vice Chair (excused).

Committee Business: Presentations by representatives of the Department of Administrative Services and the Office of Secretary of State.

Adjourned: 4:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 10, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom, and Veenstra.

Members Absent: None.

Committee Business: Presentation on the Coming to Your Senses vision program.

Adjourned: 3:40 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 10, 2004, 3:05 p.m.

Members Present: Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; Beall, and Ward.

Members Absent: None.

Committee Business: Discussed infrastructure and capitol project.

Adjourned: 3:45 p.m.

RULES AND ADMINISTRATION

Convened: February 11, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member; and Dvorsky (both excused).

Committee Business: Approved SRs 111 and 112.

Adjourned: 8:40 a.m.

STATE GOVERNMENT

Convened: February 11, 2004, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed SF 324 and presentation by Department of Administrative Services.

Adjourned: 11:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: February 11, 2004, 3:05 p.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg, and Stewart.

Members Absent: None.

Committee Business: Presentations regarding Office of Governor, Terrace Hill Foundation, and Department of Revenue.

Adjourned: 3:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: February 11, 2004, 3:05 p.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie, and Schuerer.

Members Absent: None.

Committee Business: Presentations regarding College Student Aid Commission, Iowa National Guard, and community colleges.

Adjourned: 4:05 p.m.

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

Convened: February 11, 2004, 3:05 p.m.

Members Present: Kettering, Chair; McKibben, Vice Chair; Warnstadt, Ranking Member; and Ward.

Members Absent: Beall (excused).

Committee Business: Discussed budget recommendations from the Departments of Agriculture and Natural Resources.

Adjourned: 3:35 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2007, by Iverson, 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**.

Senate Resolution 113, by Drake, a resolution honoring former Senator David O. Shaff.

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

INTRODUCTION OF BILLS

Senate File 2107, by Iverson, a bill for an act providing for an annual tax levy on real property used in gaming operations and providing an effective date.

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

Senate File 2108, by Hosch, a bill for an act relating to a state hazardous materials response teams commission.

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

Senate File 2109, by Lundby, a bill for an act relating to property assessment and taxation, including testing and continuing education of local assessors, property assessment guidelines, equalization order notices, membership on the local board of review, protests of assessment, appeals of the action of the local board of review, employment of appraisers, assessment of certain platted lots, nullification of the 2003 equalization orders, and providing a contingent effective date and applicability date provisions.

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

Senate File 2110, by committee on State Government, a bill for an act increasing the admission fee for racing and gaming establishments for purposes of the veterans trust fund.

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

STUDY BILLS RECEIVED

SSB 3071 Transportation

Relating to disclosure requirements for the sale, lease, or trade of a motor vehicle and providing penalties.

SSB 3072 Education

To require school districts and area education agencies to submit annually to the department of education collective bargaining contract data relating to salary and insurance costs.

SSB 3073 Education

Relating to the development and implementation of a statewide program of educational assessment.

SSB 3074 Government Oversight

Relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2007

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 111

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 112

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 113

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2043

EDUCATION: McKinley, Chair; Dvorsky and Redfern

Senate File 2084

TRANSPORTATION: Zieman, Chair; Dearden and Drake

Senate File 2085

EDUCATION: Brunkhorst, Chair; Holveck and Rehberg

Senate File 2089

EDUCATION: Angelo, Chair; Quirnbach and Ward

SSB 3071

TRANSPORTATION: Zieman, Chair; Putney and Warnstadt

SSB 3072

EDUCATION: Hosch, Chair; Brunkhorst and Kreiman

SSB 3073

EDUCATION: McKinley, Chair; Beall and Rehberg

SSB 3074

GOVERNMENT OVERSIGHT: Lundby, Chair; Dvorsky and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 111, a resolution recognizing nursing students and faculty.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 112, a resolution declaring February 12, 2004, Marriage and Family Day.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2110 (formerly SF 324), a bill for an act increasing the admission fee for racing and gaming establishments for purposes of the veterans trust fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2110, and they were attached to the committee report.

AMENDMENT FILED

S-5005

S.F. 2102

Judiciary

JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 12, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by Mayor Don Thilgen of De Witt, Iowa. He was the guest of Senators Sievers and Stewart.

The Journal of Wednesday, February 11, 2004, was approved.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 111 and 112.

Senate Resolution 111

On motion of Senator Boettger, **Senate Resolution 111**, a resolution recognizing nursing students and faculty, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 111, which motion prevailed by a voice vote.

Senate Resolution 112

On motion of Senator Rehberg, **Senate Resolution 112**, a resolution declaring February 12, 2004, Marriage and Family Day, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of Senate Resolution 112, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:53 a.m. until 1:00 p.m., Monday, February 16, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Kyle Shipley, Nodaway—For achieving the rank of Eagle Scout, Boy Scout Troop 45. Senator Angelo (1/4/04).

PRESENTATION OF VISITORS

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

Thirty-eight students from Grandview Park Baptist Schools and twelve central Iowa home-schooled students, accompanied by Mike Hartwig.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Douglas Beech – Iowa Comprehensive Petroleum Underground Storage Tank Fund Board

John Ryan – Renewable Fuels and Coproducts Advisory Committee

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: February 10, 2004, 3:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Discussion regarding upcoming changes in administrative services for the Iowa Medicaid program.

Adjourned: 4:40 p.m.

APPROPRIATIONS

Convened: February 11, 2004, 4:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, and Warnstadt.

Members Absent: Bolkcom and Zieman (both excused).

Committee Business: Passed HCR 104 and approved SSB 3062 (as amended).

Recessed: 4:15 p.m.

Reconvened: 4:25 p.m.

Adjourned: 4:45 p.m.

GOVERNMENT OVERSIGHT

Convened: February 11, 2004, 3:05 p.m.

Members Present: Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: Lundby, Chair (excused).

Committee Business: Presentation by Ed Stanek, Director of the Iowa Lottery Board, regarding the semiannual report and the incentive program.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 11, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Presentations regarding preadmission screening for long-term care and child and family services.

Adjourned: 4:00 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 11, 2004, 3:00 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation by Board of Parole.

Adjourned: 3:45 p.m.

COMMERCE

Convened: February 12, 2004, 1:10 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer.

Members Absent: Gronstal, Sievers, and Stewart (all excused).

Committee Business: Approved SSBs 3017 and 3021 (as amended).

Adjourned: 1:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 12, 2004, 2:30 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern.

Members Absent: Dearden, Drake, and Zieman (all excused).

Committee Business: Passed SF 2048 (as amended) and approved Governor's appointees.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2004, 3:10 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch, and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation by Department of Corrections.

Adjourned: 3:45 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 104, 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 114, by Dvorsky and Bolkcom, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence.

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

INTRODUCTION OF BILLS

Senate File 2111, by Beall, Warnstadt, Quirmbach, Seng, Dotzler, Hatch, Courtney, Holveck, McCoy, Kibbie, Gronstal, Connolly, Dvorsky, Stewart, Ragan, Kreiman, Horn, Putney, Shull, and Kettering, a bill for an act relating to the filing of a claim for military service tax exemptions by members of the reserved forces of the United States and Iowa national guard who are ordered to active duty and including effective and applicability date provisions.

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

Senate File 2112, by committee on Appropriations, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

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

Senate File 2113, by Dotzler, Beall, Hatch, Ragan, and Stewart, a bill for an act to delay the issuance of executions in forcible entry or detention actions for tenancies in manufactured and mobile home parks.

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

Senate File 2114, by Johnson, a bill for an act creating a water quality needs and infrastructure program and fund.

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

Senate File 2115, by Tinsman, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

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

Senate File 2116, by Houser, a bill for an act relating to the appointment and duties of mental health patient advocates.

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

Senate File 2117, by Tinsman, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

STUDY BILLS RECEIVED

SSB 3075 Appropriations

Providing bonding authorization to the state board of regents for specific capital projects.

SSB 3076 Business and Labor Relations

Relating to occupational safety and health audits, including privilege and immunity protections, and providing a penalty.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2086**

STATE GOVERNMENT: Johnson, Chair; Kibbie and Ward

Senate File 2099

APPROPRIATIONS: Angelo, Chair; Lamberti and Seng

Senate File 2103

STATE GOVERNMENT: Schuerer, Chair; Dearden and Ward

Senate File 2105

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

Senate File 2107

WAYS AND MEANS: McKibben, Chair; Rehberg and Seng

Senate File 2108

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Dearden and Drake

SSB 3075

APPROPRIATIONS: Angelo, Chair; Dvorsky and Shull

SSB 3076

BUSINESS AND LABOR RELATIONS: Wieck, Chair; Horn and Johnson

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: *SENATE FILE 2112 (SSB 3062), a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, and Warnstadt. Nays, none. Absent, 2: Bolkcom and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2112, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 104, a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Tinsman, and Veenstra. Nays, 9: Dvorsky, Black, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Absent, 2: Bolkcom and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-5006 S.F. 344 Ron Wieck

JOURNAL OF THE SENATE

THIRTY-SIXTH CALENDAR DAY
TWENTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 16, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by Msgr. Larry Beeson, pastor of St. Peter and Paul Catholic Church in Atlantic, Iowa. He was the guest of Senator Boettger.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Sarah Battani and Ashley Wilson.

The Journal of Thursday, February 12, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 12, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2133, a bill for an act requiring the lottery authority to submit budget information to the legislature.

Read first time and **attached to companion Senate File 2057**.

House File 2134, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

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

House File 2138, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

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

House File 2146, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

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

House File 2149, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

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

House File 2150, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

Read first time and **attached to similar Senate File 2100**.

House File 2180, a bill for an act relating to filling the office of county attorney by appointment.

Read first time and **attached to companion Senate File 2092**.

House File 2187, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Read first time and **attached to companion Senate File 2076**.

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate Resolution 109** be **withdrawn** from further consideration of the Senate.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:12 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:17 p.m. until 4:30 p.m.

APPENDIX — 1

CERTIFICATE OF RECOGNITION

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

Raymond and Lillian Lawson, Ames—For celebrating your 50th wedding anniversary. Senator Quirnbach (2/14/04).

PETITION

The following petition was presented and place on file:

From 300 residents of Black Hawk County favoring legislation requesting state legislators in 2004 meet their obligations to adequately fund Iowa public schools, even if it means a tax increase. Senator Dotzler.

REPORTS OF COMMITTEE MEETINGS

WAYS AND MEANS

Convened: February 12, 2004, 10:05 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: None.

Committee Business: Approved SSB 3001. Subcommittee assignments and presentation regarding Iowa income tax checkoffs.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 12, 2004, 3:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Bolcom, and Veenstra.

Members Absent: Hatch, Ranking Member (excused).

Committee Business: Presentation regarding the mental health redesign.

Adjourned: 4:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2004, 3:10 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch, and Kreiman.

Members Absent: Angelo, Vice Chair (excused).

Committee Business: Presentation regarding Department of Corrections.

Adjourned: 3:45 p.m.

RULES AND ADMINISTRATION

Convened: February 16, 2004, 1:05 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member; and Courtney (both excused).

Committee Business: Approved SJR 2007 and SRs 113 and 114.

Adjourned: 1:10 p.m.

INTRODUCTION OF BILLS

Senate File 2118, by committee on Commerce, a bill for an act regarding public utility rights-of-way and providing an effective date.

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

Senate File 2119, by committee on Commerce, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

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

Senate File 2120, by committee on Natural Resources and Environment, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

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

Senate File 2121, by committee on Ways and Means, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

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

STUDY BILLS RECEIVED

SSB 3077 Education

Relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbooks and supply acquisition, making appropriations and providing an applicability date.

SSB 3078 Human Resources

Relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

SSB 3079 Business and Labor Relations

Relating to occupational safety and health training and consultation services and employee and employer education.

SSB 3080 Business and Labor Relations

Relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

SSB 3081 Commerce

Conferring additional enforcement authority on the real estate commission, and providing penalties.

SSB 3082 Natural Resources and Environment

Directing the department of natural resources to conduct a study regarding the definition of the term “soil loss.”

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 114

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2114

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Black and Kettering

SSB 3077

EDUCATION: Boettger, Chair; Angelo and Connolly

SSB 3078

HUMAN RESOURCES: Veenstra, Chair; Ragan and Seymour

SSB 3079

BUSINESS AND LABOR RELATIONS: Seymour, Chair; Courtney and Kettering

SSB 3080

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

SSB 3081

COMMERCE: Sievers, Chair; Beall and Kettering

SSB 3082

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Kibbie and Zieman

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: *SENATE FILE 2118 (SSB 3021), a bill for an act regarding public utility rights-of-way and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer. Nays, none. Absent, 3: Gronstal, Sievers, and Stewart.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2118, and they were attached to the committee report.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2119 (SSB 3017), a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Kettering, Lundby, McCoy, Putney, Redfern, and Schuerer. Nays, none. Absent, 3: Gronstal, Sievers, and Stewart.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2120 (formerly SF 2048), a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 3: Dearden, Drake, and Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2120, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE JOINT RESOLUTION 2007, 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, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 113, a resolution honoring former Senator David O. Shaff.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 114, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 2: Gronstal and Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2121 (SSB 3001), a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, Shull, Angelo, Dotzler, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 6: Bolkom, Connolly, McCoy, Quirnbach, Seng, and Stewart. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:50 p.m., President Lamberti presiding.

INTRODUCTION OF BILLS

Senate File 2122, by Lundby, a bill for an act relating to littering or placing debris on a public highway or state parkland, increasing fines, and establishing a fund.

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

Senate File 2123, by Lundby, a bill for an act creating a new offense of aggressive driving, providing for instruction relating to the hazards of aggressive driving, and providing penalties and an effective date.

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

Senate File 2124, by committee on Education, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

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

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2124** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:52 p.m. until 8:30 a.m., Tuesday, February 17, 2004.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****APPROPRIATIONS**

Convened: February 16, 2004, 5:05 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: None.

Committee Business: Passed SF 2124.

Adjourned: 5:35 p.m.

EDUCATION

Convened: February 16, 2004, 4:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, Quirnbach, Redfern, and Rehberg.

Members Absent: Holveck and Ward (both excused).

Committee Business: Approved SSB 3077 and Governor's appointee.

Adjourned: 4:35 p.m.

HUMAN RESOURCES

Convened: February 16, 2004, 3:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Horn, Hosch, Kreiman, McKinley, and Tinsman.

Members Absent: Holveck and Schuerer (both excused).

Committee Business: Approved Governor's appointees and presentation on Thimerosal.

Adjourned: 3:50 p.m.

SUBCOMMITTEE ASSIGNMENT

Senate File 2124

APPROPRIATIONS: Lamberti, Chair; Angelo and Connolly

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2124, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, and Zieman. Nays, 10: Dvorsky, Black, Bolkcom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: SENATE FILE 2124 (SSB 3077), a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Redfern, and Rehberg. Nays, 5: Connolly, Beall, Dvorsky, Kreiman, and Quirnbach. Absent, 2: Holveck and Ward.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

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|--------|------|------|---|
| S-5007 | S.F. | 2070 | John P. Kibbie John Putney Keith A. Kreiman Julie M. Hosch |
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JOURNAL OF THE SENATE

THIRTY-SEVENTH CALENDAR DAY
TWENTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 17, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend LaTanya Harrell, pastor of St. Mark's Methodist Church in Evansdale, Iowa. She was the guest of Senators Dotzler and Redfern.

The Journal of Monday, February 16, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:36 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:47 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:50 a.m. until 3:30 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Elaine Curran, Humboldt—For receiving the Youth Champion Award. Senator Kibbie (3/2/04).

Mike Dailey, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (3/2/04).

Coach Henry Eekhoff, Sibley-Ocheyedan High School—For leading the Sibley-Ocheyedan High School Girls' Basketball Team to 500 career victories. Senator Johnson (1/27/04).

Kenny Hartzell, Sibley-Ocheyedan High School—For setting the Sibley-Ocheyedan High School Boys' Basketball career scoring record. Senator Johnson (1/7/04).

Humboldt High School Peer Helping Class, Humboldt—For receiving the Horizon Award. Senator Kibbie (3/2/04).

Humboldt County Hospital and Springvale Senior Living, Humboldt—For receiving the Horizon Award. Senator Kibbie (3/2/04).

Jonathan P. McKenny, Hawarden—For achieving the rank of Eagle Scout. Senator Veenstra (2/29/04).

Fred Meyer, Humboldt—For receiving the Humboldt-Dakota City Chamber of Commerce President's Award. Senator Kibbie (3/2/04).

Gary Moritz, Humboldt—For receiving the Inspiration Award. Senator Kibbie (3/2/04).

Bob and Luella Pedley, Ocheyedan—For celebrating your 50th wedding anniversary. Senator Johnson (2/19/04).

The Seiler Family, Humboldt—For receiving the Family Tradition Award. Senator Kibbie (3/2/04).

Wildcat Booster Club, Humboldt—For receiving the Cooperation Award. Senator Kibbie (3/2/04).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 16, 2004, 3:35 p.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, and Wieck.

Members Absent: Seymour (excused).

Committee Business: Subcommittee assignments.

Adjourned: 3:40 p.m.

WAYS AND MEANS

Convened: February 16, 2004, 2:15 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: McCoy (excused).

Committee Business: Presentation by representatives of the Department of Revenue.

Adjourned: 3:00 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 17, 2004, 10:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman.

Members Absent: None.

Committee Business: Passed SF 2040 (as amended). Presentation regarding BIOWA.

Adjourned: 11:15 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 115, by Lamberti, Warnstadt, Johnson, Tinsman, Behn, Angelo, Boettger, Schuerer, Veenstra, Seymour, Kettering, Hosch, Zieman, Gaskill, Miller, Dotzler, Shull, Putney, McKibben, Houser, Wieck, Dearden, Courtney, Bolkcom, Seng, Stewart, McKinley, Ragan, Drake, Rehberg, Redfern, Brunkhorst, Iverson, Kibbie, Sievers, Lundby, McCoy, Connolly, Fraise, Hatch, Black, Kreiman, Beall, Gronstal, Dvorsky, Holveck, and Ward, a

resolution to recognize and honor the members of the Iowa Army and Air National Guard.

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

Senate Resolution 116, by Dvorsky, a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses.

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

Senate Resolution 117, by Dvorsky, Bolkcom, Lundby, Horn, Miller, Putney, Hosch, and Schuerer, a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College.

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

INTRODUCTION OF BILLS

Senate File 2125, by Bolkcom and Beall, a bill for an act relating to civil damages recoverable against a person who sends certain electronic mail transmissions.

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

Senate File 2126, by Lundby, a bill for an act providing for an increase in the community college operations levy, and providing an effective date.

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

Senate File 2127, by Lundby, a bill for an act providing for the establishment of a community college employee management levy.

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

Senate File 2128, by Ragan and Gaskill, a bill for an act relating to counterfeit labels and trademarks, and providing penalties.

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

Senate File 2129, by Tinsman, a bill for an act relating to the possession and self-administration of asthma medication by public and accredited nonpublic school students.

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

Senate File 2130, by Dvorsky and Bolkom, a bill for an act relating to local regulation of smoking in a public place.

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

Senate File 2131, by Kibbie, a bill for an act relating to approval of certain subdivision plats by a city or a county.

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

Senate File 2132, by Bolkom, a bill for an act providing for transfer of the administration of programs for the elderly to the department of elder affairs.

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

STUDY BILLS RECEIVED

SSB 3083 Natural Resources and Environment

Relating to the designation of the chairperson of the state interagency Missouri river authority.

SSB 3084 Human Resources

Providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

SSB 3085 Judiciary

Making changes to the residency restrictions that apply to certain sex offenders residing near a school or child care facility, and providing an effective date.

SSB 3086 Judiciary

Regulating contest events involving animals, and providing a penalty and effective date.

SSB 3087 Judiciary

Establishing a uniform mediation Act.

SSB 3088 Transportation

Relating to the maximum gross weight limit for vehicles hauling crops during the annual period of harvest.

SSB 3089 Local Government

Relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

SSB 3090 Ways and Means

Providing for an income tax checkoff for anatomical gift public awareness and transplantation, relating to the limitation on income tax checkoffs, and providing an effective date and a retroactive applicability date.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2006

JUDICIARY: McKibben, Chair; Fraise and Tinsman

Senate File 2073 (Reassignment)

HUMAN RESOURCES: Schuerer, Chair; Horn and Hosch

Senate File 2074

JUDICIARY: Kettering, Chair; Holveck and Ward

Senate File 2079

JUDICIARY: Ward, Chair; Gaskill and McCoy

Senate File 2090

JUDICIARY: McKibben, Chair; Gaskill and Horn

Senate File 2098

JUDICIARY: Redfern, Chair; Kreiman and McKibben

Senate File 2109

WAYS AND MEANS: Miller, Chair; Bolkcom and Hosch

Senate File 2111

WAYS AND MEANS: Rehberg, Chair; Quirmbach and Wieck

Senate File 2113

JUDICIARY: Brunkhorst, Chair; Boettger and Quirmbach

Senate File 2115

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Seymour

Senate File 2116

LOCAL GOVERNMENT: Rehberg, Chair; Miller and Quirmbach

Senate File 2117

JUDICIARY: Tinsman, Chair; Holveck and Miller

House File 2134

HUMAN RESOURCES: Tinsman, Chair; Kreiman and Veenstra

SSB 3083

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Kettering and Kibbie

SSB 3084

HUMAN RESOURCES: Veenstra, Chair; Boettger and Hatch

SSB 3085

JUDICIARY: Redfern, Chair; Kettering and Kreiman

SSB 3086

JUDICIARY: Miller, Chair; Fraise and Kettering

SSB 3087

JUDICIARY: Redfern, Chair; Kreiman and McKibben

SSB 3088

TRANSPORTATION: Putney, Chair; Fraise and Zieman

SSB 3089

LOCAL GOVERNMENT: Miller, Chair; Houser and Kreiman

SSB 3090

WAYS AND MEANS: Hosch, Chair; Angelo and Seng

**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

Sandy Simpson – Iowa Grain Indemnity Fund Board

HUMAN RESOURCES

Daniel McGuire – Board of Athletic Training Examiners

Darshini Jayawardena – Iowa Empowerment Board
Floyd Winter – Iowa Empowerment Board

Sidney Scott – Health Facilities Council

Roberta Yoder – Council on Human Services

Peter Peterson – Board of Physician Assistant Examiners

Christopher Atchison – Prevention of Disabilities Policy Council

**GOVERNOR'S APPOINTEE PLACED ON
INDIVIDUAL CONFIRMATION CALENDAR**

The following appointee, assigned to standing committee for investigation, was placed on the Individual Confirmation Calendar with recommendation for confirmation:

EDUCATION

Jenny Rokes – State Board of Regents

AFTERNOON SESSION

The Senate reconvened at 3:34 p.m., President Lamberti presiding.

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:21 p.m., President Pro Tempore Angelo presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, 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 2101.

Senate File 2101

On motion of Senator McKibben, **Senate File 2101**, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance, 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. 2101), the vote was:

Yeas, 48:

| | | | |
|------------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |

| | | | |
|----------|-----------|-----------|-----------|
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Miller

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 2112.

Senate File 2112

On motion of Senator McKibben, **Senate File 2112**, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys, was taken up for consideration.

Senator McKibben deferred to Senator Kettering for opening remarks.

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

On the question "Shall the bill pass?" (S.F. 2112), the vote was:

Yeas, 48:

| | | | |
|--------|---------|----------|----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |

| | | | |
|------------|-----------|-----------|-----------|
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, 1:

Kreiman

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2101 and 2112** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 344

Senator Wieck called up for consideration **Senate File 344**, a bill for an act concerning regulatory and statutory requirements impacting business relating to liability reform, unemployment compensation benefits eligibility and employer contributions, workers' compensation, occupational safety and health administration training and compliance requirements, financial services and restrictions on property rights, environmental regulatory requirements, and public project contractor requirements, amended by the House in House amendment S-3334, filed April 28, 2003.

Senator Wieck offered amendment S-5006, filed by him on February 12, 2004, to pages 1-7 and to the title provisions of House amendment S-3334, and moved its adoption.

Amendment S-5006 was adopted by a voice vote.

With the adoption of amendment S-5006 to House amendment S-3334, the Chair ruled amendment S-3349, filed by Senator Wieck, et al., on April 30, 2003, to page 7 of House amendment S-3334, out of order.

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

A record roll call was requested.

On the question "Shall the motion to concur be adopted?" (S.F. 344), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKinley | Sievers |
| Behn | Houser | Miller | Tinsman |
| Boettger | Iverson | Putney | Veenstra |
| Brunkhorst | Johnson | Rehberg | Ward |
| Drake | Kettering | Schuerer | Wieck |
| Gaskill | Lamberti | Seymour | Zieman |
| Horn | McKibben | Shull | |

Nays, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Kibbie | Redfern |
| Black | Dvorsky | Kreiman | Seng |
| Bolkcom | Fraise | Lundby | Stewart |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

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

Senator Wieck 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. 344), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Redfern |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

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 344** be **immediately messaged** to the House.

President Lamberti took the chair at 4:55 p.m.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2124.

Senate File 2124

On motion of Senator Boettger, **Senate File 2124**, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation

program, providing for allocations for textbook and supply acquisition, making appropriations, and providing an applicability date, with report of committee on Appropriations recommending passage, was taken up for consideration.

Senator Beall offered amendment S-5008, filed by Senator Beall, et al., from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5008 be adopted?" (S.F. 2124), the vote was:

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

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5008 lost.

Senator McCoy offered amendment S-5009, filed by Senator McCoy, et al., from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5009 be adopted?” (S.F. 2124), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5009 lost.

Senator Boettger offered amendment S-5010, filed by her from the floor to page 2 and to the title page of the bill.

Senator Dvorsky raised the point of order that amendment S-5010 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5010 in order.

Senator Boettger moved the adoption of amendment S-5010.

A record roll call was requested.

On the question “Shall amendment S-5010 be adopted?” (S.F. 2124), the vote was:

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

Yeas, 27:

| | | | |
|------------|-----------|----------|---------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Ward |
| Drake | Lamberti | Rehberg | Wieck |
| Gaskill | Lundby | Schuerer | Zieman |
| Hosch | McKibben | Seymour | |

Nays, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Veenstra |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

Amendment S-5010 was adopted.

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

On the question "Shall the bill pass?" (S.F. 2124), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Nays, 21:

| | | | |
|---------|---------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |

| | | |
|----------|----------|-----------|
| Connolly | Gronstal | McCoy |
| Courtney | Hatch | Quirnbach |
| Dearden | Holveck | Ragan |

Absent, 1:

Larson

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 2124** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2110** be referred from the Regular Calendar to the committee on **Ways and Means**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2070.

Senate File 2070

On motion of Senator Putney, **Senate File 2070**, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles and issuance of commercial driver's licenses, and providing effective dates, was taken up for consideration.

Senator Kibbie offered amendment S-5007, filed by Senator Kibbie, et al., on February 16, 2004, to pages 1, 19, 20, and to the title page of the bill, and moved its adoption.

Amendment S-5007 was adopted by a voice vote.

Senator Kreiman withdrew amendment S-5012, filed by him from the floor to page 1 and to the title page of the bill.

Senator Kreiman offered amendment S-5013, filed by Senators Kreiman and Putney from the floor to pages 4, 6, 10, and 11 of the bill, and moved its adoption.

Amendment S-5013 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Iverson.

BUSINESS PENDING

Senate File 2070

The Senate resumed consideration of Senate File 2070.

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

On the question "Shall the bill pass?" (S.F. 2070), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson 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 **Senate File 2070** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:37 p.m. until 8:30 a.m., Wednesday, February 18, 2004.

APPENDIX — 2

REPORT OF COMMITTEE MEETING

AGRICULTURE

Convened: February 17, 2004, 3:05 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Black, Courtney, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Angelo and Gaskill (both excused).

Committee Business: Approved SSB 3044 (as amended) and the Governor's appointee.

Adjourned: 3:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution 2008, by Kreiman, a joint resolution proposing an amendment to the Constitution of the State of Iowa relating to free public schools and equality of educational opportunity.

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

INTRODUCTION OF BILLS

Senate File 2133, by Warnstadt, a bill for an act relating to the distribution of moneys in the secure an advanced vision for education fund under the local sales and services tax for school infrastructure purposes and including an effective date.

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

Senate File 2134, by Kreiman, a bill for an act providing for reduced automobile insurance premiums for older adults who complete a certified driver safety education course.

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

Senate File 2135, by Kreiman, a bill for an act repealing restrictions on court orders for placement of children in group foster care.

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

Senate File 2136, by Kreiman, a bill for an act requiring the department of education to conduct a teacher pay equity study.

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

Senate File 2137, by Kreiman, a bill for an act relating to treatment of a criminal defendant for a mental disorder after conviction or at any stage of a criminal proceeding.

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

Senate File 2138, by Miller, a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

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

Senate File 2139, by Kreiman, a bill for an act relating to custody orders involving out-of-home placement of children with a relative.

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

Senate File 2140, by Dvorsky and Bolckcom, a bill for an act relating to residential landlord-tenant law concerning family violence and domestic abuse.

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

Senate File 2141, by Kreiman, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making an appropriation, making penalties applicable, and providing an effective date.

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

Senate File 2142, by Bolkcom and Dvorsky, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2130

LOCAL GOVERNMENT: Seymour, Chair; Quirnbach and Rehberg

Senate File 2131

LOCAL GOVERNMENT: Miller, Chair; Houser and McCoy

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------------------|
| S-5008 | S.F. | 2124 | Daryl Beall |
| | | | Dennis H. Black |
| | | | Joe Bolkcom |
| | | | Mike Connolly |
| | | | Thomas G. Courtney |
| | | | Dick L. Dearden |
| | | | William A. Dotzler, Jr. |
| | | | Robert E. Dvorsky |
| | | | Gene Fraise |
| | | | Michael E. Gronstal |
| | | | Jack Hatch |
| | | | Jack Holveck |
| | | | Wally E. Horn |
| | | | John P. Kibbie |
| | | | Keith A. Kreiman |

| | | | |
|--------|------|------|-------------------------|
| | | | Matt W. McCoy |
| | | | Herman C. Quirnbach |
| | | | Amanda Ragan |
| | | | Joe M. Seng |
| | | | Roger Stewart |
| | | | Steve Warnstadt |
| S-5009 | S.F. | 2124 | Matt W. McCoy |
| | | | Jack Hatch |
| | | | Dick L. Dearden |
| | | | Jack Holveck |
| | | | Robert E. Dvorsky |
| | | | Roger Stewart |
| | | | Daryl Beall |
| | | | Herman C. Quirnbach |
| | | | Joe Bolkom |
| | | | Joe M. Seng |
| | | | William A. Dotzler, Jr. |
| | | | Keith A. Kreiman |
| | | | Amanda Ragan |
| | | | Mike Connolly |
| | | | Michael E. Gronstal |
| S-5010 | S.F. | 2124 | Nancy J. Boettger |
| S-5011 | S.F. | 2102 | Bob Brunkhorst |
| S-5012 | S.F. | 2070 | Keith A. Kreiman |
| S-5013 | S.F. | 2070 | Keith A. Kreiman |
| | | | John Putney |

JOURNAL OF THE SENATE

THIRTY-EIGHTH CALENDAR DAY
TWENTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 18, 2004

The Senate met in regular session at 8:33 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Jim Davis, pastor of the Zion Lutheran Church in Gowrie, Iowa. He was the guest of Senator Beall.

The Journal of Tuesday, February 17, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:36 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:46 a.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 17, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2124, a bill for an act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for

allocations for textbook and supply acquisition, making appropriations, and providing an applicability date.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:49 a.m. until 8:30 a.m., Thursday, February 19, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Bill Delaney, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Shelby Duggan, Dubuque—For receiving the 2004 Prudential Spirit of Community Award. Senator Connolly (2/3/04).

Patti Edler, State Center—For receiving the Outstanding Iowa School Counselor Award. Senator McKibben (2/19/04).

Bill Herrig, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Pat Quinn, Dubuque—For being inducted into the Dubuque area Labor Hall of Fame. Senator Connolly (1/31/04).

Mr. and Mrs. Delmer Sanders, Eagle Grove—For celebrating your 60th wedding anniversary. Senator Iverson (2/19/04).

Rusty Shore, Albion—For rescuing a rural Albion family from their burning home. Senator McKibben (2/19/04).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: February 18, 2004, 3:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, and Stewart.

Members Absent: Sievers (excused).

Committee Business: Presentation by Dr. Harry Shooshan III regarding Qwest billing.

Adjourned: 4:00 p.m.

HUMAN RESOURCES

Convened: February 18, 2004, 2:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, and McKinley.

Members Absent: Schuerer and Tinsman (both excused).

Committee Business: Approved SSB 3084 (as amended).

Adjourned: 2:20 p.m.

JUDICIARY

Convened: February 18, 2004, 9:35 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: McKibben (excused).

Committee Business: Approved SSBs 3027, 3059, 3060, and 3061.

Adjourned: 10:15 a.m.

LOCAL GOVERNMENT

Convened: February 18, 2004, 10:35 a.m.

Members Present: Gaskill, Chair; Quirnbach, Ranking Member; Angelo, Hatch, Kettering, Kreiman, McCoy, Seymour, and Stewart.

Members Absent: Miller, Vice Chair; Hosch, Houser, and Rehberg (all excused).

Committee Business: Approved Governor's appointee and reviewed bills on the committee agenda.

Adjourned: 10:45 a.m.

STATE GOVERNMENT

Convened: February 18, 2004, 10:35 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Approved SSB 3063 and approved Governor's appointees.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: February 18, 2004, 12:05 p.m.

Members Present: McKinley, Chair; Dotzler, Ranking Member; Putney, and Quirmbach.

Members Absent: Behn, Vice Chair (excused).

Committee Business: Presentations by Public Employee Relations Board and departments of Workforce Development and Economic Development.

Adjourned: 1:05 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 18, 2004, 12:10 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom, and Veenstra.

Members Absent: None.

Committee Business: Presentation regarding programs and funding for the Department of Public Health.

Adjourned: 1:00 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 118, by Kibbie, Warnstadt, Tinsman, Zieman, Sievers, Veenstra, Johnson, Schuerer, Dearden, Ward, Ragan, Connolly, Drake, and Courtney, a resolution urging increased resources to ensure greater access to health care for veterans.

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

INTRODUCTION OF BILLS

Senate File 2143, by committee on Natural Resources and Environment, a bill for an act requiring certain children to wear personal flotation devices while aboard certain vessels and making a penalty applicable.

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

Senate File 2144, by committee on Agriculture, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

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

Senate File 2145, by committee on Judiciary, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

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

Senate File 2146, by committee on Judiciary, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

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

Senate File 2147, by committee on Judiciary, a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

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

Senate File 2148, by committee on Judiciary, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

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

Senate File 2149, by committee on State Government, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles.

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

STUDY BILLS RECEIVED

SSB 3091 Economic Growth

Urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

SSB 3092 Commerce

Requiring notification and safety precautions be taken prior to commencement of work in the vicinity of high-voltage lines, and providing for liability, penalties, and an effective date.

SSB 3093 Economic Growth

Providing for negotiated rulemaking.

SSB 3094 Economic Growth

Relating to the administration of the community attraction and tourism program.

SSB 3095 Economic Growth

Relating to the commercialization of technology owned by a university under the control of the state board of regents.

SSB 3096 Economic Growth

Relating to economic impact analyses of rules by requiring an analysis of adverse impacts on small businesses and by expanding the availability of regulatory analysis statements.

SSB 3097 State Government

Relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

SSB 3098 Business and Labor Relations

Concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

SSB 3099 Business and Labor Relations

Relating to the characterization of personal injuries for purposes of workers' compensation liability.

SSB 3100 Judiciary

Relating to the transfer and apportionment of district associate juvenile judges, and to the qualifications of magistrates.

SSB 3101 Ways and Means

Relating to the allocation of natural gas delivery taxes on delivery of natural gas to a new electric power generating peaking plant.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2132**

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

Senate File 2135

HUMAN RESOURCES: Schuerer, Chair; Kreiman and McKinley

Senate File 2139

HUMAN RESOURCES: Schuerer, Chair; Kreiman and McKinley

SSB 3091

ECONOMIC GROWTH: Rehberg, Chair; Boettger and Hatch

SSB 3092

COMMERCE: Wieck, Chair; Putney and Stewart

SSB 3093

ECONOMIC GROWTH: McKinley, Chair; Beall and Rehberg

SSB 3094

ECONOMIC GROWTH: Rehberg, Chair; Putney and Stewart

SSB 3095

ECONOMIC GROWTH: McKinley, Chair; Hatch and Shull

SSB 3096

ECONOMIC GROWTH: McKinley, Chair; Ragan and Rehberg

SSB 3097

STATE GOVERNMENT: Sievers, Chair; Connolly and Shull

SSB 3098

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Dearden and Wieck

SSB 3099

BUSINESS AND LABOR RELATIONS: Schuerer, Chair; Dearden and Johnson

SSB 3100

JUDICIARY: Redfern, Chair; Kreiman and McKibben

SSB 3101

WAYS AND MEANS: Wieck, Chair; Angelo and Dotzler

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: *SENATE FILE 2144 (SSB 3044), a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Behn, Black, Courtney, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 2: Angelo and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2144, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2145 (SSB 3060), a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2146 (SSB 3059), a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2147 (SSB 3027), a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2148 (SSB 3061), a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, Miller, Quirnbach, Tinsman, and Ward. Nays, 1: Holveck. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2143 (formerly SF 2040), a bill for an act requiring certain children to wear personal flotation devices while aboard certain vessels and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kibbie, Lundby, Miller, and Zieman. Nays, none. Absent, 2: Kettering and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2143, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2149 (SSB 3063), a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Zieman, Sievers, Kibbie, Black, Connolly, Dearden, Johnson, Ragan, Shull, and Ward. Nays, 4: Drake, Schuerer, Tinsman, and Veenstra. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2149, and they were attached to the committee report.

**GOVERNOR'S APPOINTEES PLACED ON
EN BLOC CALENDAR**

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

STATE GOVERNMENT

Kimberly Baxter – Administrator of the Division on the Status of African-Americans

Michael Blackwell – Commission on the Status of African-Americans

Catherine Gallagher – Board of Trustees of the Iowa Cultural Trust

Mary Kelly – Board of Trustees of the Iowa Cultural Trust

Kim Poam Logan – Board of Trustees of the Iowa Cultural Trust

Mary Maloney – IowAccess Advisory Council

Yasyn Lee – Board of Medical Examiners

Paul Johnson – Board of Mortuary Science Examiners

JOURNAL OF THE SENATE

THIRTY-NINTH CALENDAR DAY
TWENTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 19, 2004

The Senate met in regular session at 8:31 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Rusty Hedger, pastor of the Whiting Christian Church in Whiting, Iowa. He was the guest of Senator Seymour.

The Journal of Wednesday, February 18, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 114.

Senate Resolution 114

On motion of Senator Dvorsky, **Senate Resolution 114**, a resolution honoring the nursing leaders at the University of Iowa Hospitals and Clinics upon their receipt of the Magnet Award for Nursing Excellence, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 114, which motion prevailed by a voice vote.

Senator Dvorsky introduced Donna Katen-Bahensky and Barbara J. Hannon who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:49 a.m. until 1:00 p.m., Monday, February 23, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

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

Sarah Wickett, Humboldt—For being chosen for the Iowa Honor Band which will be performing at the Hancher Auditorium, University of Iowa. Senator Kibbie (2/20/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: February 18, 2004, 4:10 p.m.

Members Present: Angelo, Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Veenstra, Warnstadt, and Ziemann.

Members Absent: Lamberti, Vice Chair; Houser and Tinsman (all excused).

Committee Business: Passed SF 2077 (as amended).

Adjourned: 4:25 p.m.

AGRICULTURE

Convened: February 19, 2004, 1:05 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Black, Gaskill, Kibbie, Ragan, Seng, and Ziemann.

Members Absent: Courtney, Houser, Putney, and Veenstra (all excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

ECONOMIC GROWTH

Convened: February 19, 2004, 2:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: None.

Committee Business: Presentation by Dr. Lisa Lorenzen, Iowa State University Office of Biotechnology.

Adjourned: 2:45 p.m.

JUDICIARY

Convened: February 19, 2004, 11:00 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward.

Members Absent: Horn (excused).

Committee Business: Approved SSBs 3025, 3049, and 3058.

Adjourned: 11:45 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 19, 2004, 2:05 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman.

Members Absent: None.

Committee Business: Approved SSB 3102 (as amended).

Adjourned: 2:35 p.m.

STATE GOVERNMENT

Convened: February 19, 2004, 3:10 p.m.

Members Present: Zieman, Chair; Kibbie, Ranking Member; Black, Dearden, Johnson, Ragan, Tinsman, Veenstra, and Ward.

Members Absent: Sievers, Vice Chair; Connolly, Courtney, Drake, Schuerer, and Shull (all excused).

Committee Business: Approved Governor's appointees.

Adjourned: 3:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 19, 2004, 12:00 p.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; and Bolkom.

Members Absent: Veenstra (excused).

Committee Business: Presentation regarding Veterans Affairs Commission and review of the Healthy Iowans Tobacco Trust funding.

Adjourned: 1:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2009, by Iverson, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

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

Senate Concurrent Resolution 105, by Connolly, Dvorsky, Quirnbach, Kreiman, Black, Stewart, Warnstadt, Bolkom, Dotzler, Ragan, Seng, Holveck, Courtney, Gronstal, Kibbie, Fraise, Horn, Dearden, Beall, Hatch, and McCoy, a concurrent resolution encouraging the Congress of the United States to amend the No Child Left Behind Act of 2001 immediately to include a mechanism for an automatic waiver from its provisions for school accountability for states such as Iowa that have successfully increased student achievement through their own student achievement and teacher quality measures and accountability reforms.

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

INTRODUCTION OF BILLS

Senate File 2150, by committee on Human Resources, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

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

Senate File 2151, by Warnstadt, Kreiman, Quirmbach, Beall, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Black, Courtney, Holveck, Ragan, Dotzler, and Seng, a bill for an act relating to the amount of weighting assigned to certain students.

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

Senate File 2152, by Kreiman, a bill for an act relating to the installation and use of energy-efficient heating and cooling systems.

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

Senate File 2153, by committee on Appropriations, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

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

Senate File 2154, by committee on Judiciary, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

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

Senate File 2155, by committee on Judiciary, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

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

Senate File 2156, by Kibbie, 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**.

STUDY BILLS RECEIVED

SSB 3102 Natural Resources and Environment

Relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

SSB 3103 Agriculture

Relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

SSB 3104 Government Oversight

Transferring responsibilities for the administration and enforcement of responsibilities relating to fertilizers and pesticides from the department of agriculture and land stewardship to the department of natural resources, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate Joint Resolution 2008

EDUCATION: Rehberg, Chair; Brunkhorst and Kreiman

Senate Resolution 115

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 116

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 117

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2091

TRANSPORTATION: Drake, Chair; Dearden and Houser

Senate File 2123

TRANSPORTATION: Drake, Chair; Dearden and Shull

Senate File 2125

JUDICIARY: Brunkhorst, Chair; Quirnbach and Ward

Senate File 2126

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

Senate File 2127

EDUCATION: McKinley, Chair; Dvorsky and Rehberg

Senate File 2128

JUDICIARY: Gaskill, Chair; Fraise and Ward

Senate File 2129

EDUCATION: Ward, Chair; Boettger and Connolly

Senate File 2133

EDUCATION: Angelo, Chair; Beall and Behn

Senate File 2134

TRANSPORTATION: Drake, Chair; Dearden and Ward

Senate File 2136

EDUCATION: Rehberg, Chair; Behn and Kreiman

Senate File 2137

JUDICIARY: Redfern, Chair; Holveck and McKibben

Senate File 2138

AGRICULTURE: Putney, Chair; Fraise and Johnson

Senate File 2140

JUDICIARY: Boettger, Chair; Horn and Miller

Senate File 2142

EDUCATION: Redfern, Chair; Dvorsky and Hosch

House File 2138

JUDICIARY: Ward, Chair; Kreiman and Miller

House File 2146

JUDICIARY: Boettger, Chair; Kreiman and Tinsman

House File 2149

JUDICIARY: Ward, Chair; Fraise and Tinsman

SSB 3102

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Johnson and Kibbie

SSB 3103

AGRICULTURE: Zieman, Chair; Ragan and Veenstra

SSB 3104

GOVERNMENT OVERSIGHT: Lundby, Chair; Brunkhorst and Dvorsky

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2153 (formerly SF 2077), a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 22: Angelo, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Lamberti, Houser, and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2153, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2150 (SSB 3084), a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, and McKinley. Nays, none. Absent, 2: Schuerer and Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2150, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2154 (SSB 3058), a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, McKibben, Tinsman, and Ward. Nays, 3: Holveck, McCoy, and Quirmbach. Present, 2: Fraise and Miller. Absent, 1: Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2155 (SSB 3025), a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, 1: Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2155, and they were attached to the committee 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:

LOCAL GOVERNMENT

Jay Howe – City Development Board

STATE GOVERNMENT

Henry Neuman – Board of Trustees of the Iowa Cultural Trust

Janet Carl – Iowa Ethics and Campaign Disclosure Board

Gerald Sullivan – Iowa Ethics and Campaign Disclosure Board

Paul Popelka – Landscape Architectural Examining Board

John-Paul Chaisson-Cardenas – Administrator of the Division of Latino Affairs

Sandra Dirks – Board of Psychology Examiners

Gerald Bair – State Racing and Gaming Commission

AMENDMENTS FILED

| | | | |
|--------|------|------|----------------|
| S-5014 | H.F. | 2150 | Larry McKibben |
| S-5015 | S.F. | 2100 | Larry McKibben |

JOURNAL OF THE SENATE

FORTY-THIRD CALENDAR DAY
TWENTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, February 23, 2004

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by Father Paul Strittmatter, pastor of St. Patrick's Church in Dunlap, Iowa. He was the guest of Senator Seymour.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages John Lande and Samara Pals.

The Journal of Thursday, February 19, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 19, 2004, **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 344, a bill for an act relating to a monetary limit on an appeal bond and providing an applicability date.

ALSO: That the House has on February 19, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2042, a bill for an act relating to the donation of blood by persons sixteen years of age.

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

House File 2167, a bill for an act to eliminate the inspections division of the department of inspections and appeals.

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

House File 2174, a bill for an act to establish an interior design examining board, to provide for the registration of interior designers in order to use the title of registered interior designer, and to provide fees and penalties.

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

House File 2176, a bill for an act relating to abandonment of a child as grounds for termination of parental rights.

Read first time and **attached to companion Senate File 2147**.

House File 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

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

House File 2193, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

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

House File 2200, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

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

House File 2207, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary

language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **attached to similar Senate File 2102**.

House File 2208, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

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

House File 2241, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training.

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

House File 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

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

House File 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:35 p.m. until 8:30 a.m., Tuesday, February 24, 2004.

APPENDIX

COMMUNICATIONS RECEIVED

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

February 23, 2004

IOWA COUNTY ENGINEERS ASSOCIATION SERVICE BUREAU

2003 Annual Report, pursuant to Iowa Code section 312.3B.

AGENCY ICN REPORT

OFFICE OF DRUG CONTROL POLICY

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

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

Helen Fleck, Fayette—For celebrating your 100th birthday on February 29, 2004. Senator Rehberg (2/29/04).

Mr. and Mrs. Clarence Messerly, Vincent—For celebrating your 70th wedding anniversary. Senator Iverson (2/25/04).

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 106, by Tinsman and Holveck, a concurrent resolution designating March 2004 as Iowa Women's History Month.

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

INTRODUCTION OF BILLS

Senate File 2157, by committee on Judiciary, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

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

Senate File 2158, by committee on Natural Resources and Environment, a bill for an act relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

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

Senate File 2159, by Dotzler, a bill for an act providing for the licensure of electricians and installers on a statewide basis, providing for apprentice electrician registration, establishing fees, providing penalties, and providing an effective date.

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

Senate File 2160, by Dearden, a bill for an act relating to approving the establishment of an open season for the taking and possession of mourning doves at a county general election and providing penalties.

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

STUDY BILLS RECEIVED

SSB 3105 Judiciary

Eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

SSB 3106 Agriculture

Appropriating moneys to support the testing and monitoring of avian influenza.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2141**

APPROPRIATIONS: Angelo, Chair; Seng and Tinsman

Senate File 2151

EDUCATION: Boettger, Chair; Connolly and McKinley

Senate File 2152

STATE GOVERNMENT: Johnson, Chair; Dearden and Schuerer

House File 358
(Reassignment)

GOVERNMENT OVERSIGHT: Wieck, Chair; Brunkhorst and Courtney

SSB 3105

JUDICIARY: Redfern, Chair; Boettger and Kreiman

SSB 3106

AGRICULTURE: Gaskill, Chair; Johnson and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION**JUDICIARY**

Bill Title: SENATE FILE 2157 (SSB 3049), a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, 1: Horn.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: *SENATE FILE 2158 (SSB 3102), a bill for an act relating to the use of motor vehicle fuel, by providing for gasoline and ethanol blended gasoline, by providing for taxation, and by providing for ethanol incentive programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Kettering, Kibbie, Lundby, Miller, Redfern, and Ziemann. Nays, none. Present, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2158, and they were attached to the committee report.

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

Patricia Penning – Mental Health and Developmental Disabilities Commission

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------|
| S-5016 | S.F. | 2032 | Joe Bolkcom |
| S-5017 | S.F. | 2032 | Joe Bolkcom |
| S-5018 | S.F. | 2032 | Joe Bolkcom |
| S-5019 | S.F. | 2032 | Joe Bolkcom |
| S-5020 | S.F. | 2032 | Joe Bolkcom |
| S-5021 | S.F. | 2032 | Joe Bolkcom |
| S-5022 | S.F. | 2032 | Joe Bolkcom |
| S-5023 | S.F. | 2032 | Joe Bolkcom |
| S-5024 | S.F. | 2032 | Joe Bolkcom |
| S-5025 | S.F. | 2032 | Joe Bolkcom |
| S-5026 | S.F. | 2032 | Joe Bolkcom |
| S-5027 | S.F. | 2032 | Joe Bolkcom |
| S-5028 | S.F. | 2032 | Joe Bolkcom |
| S-5029 | S.F. | 2032 | Joe Bolkcom |

JOURNAL OF THE SENATE

FORTY-FOURTH CALENDAR DAY
TWENTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, February 24, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Hayden, pastor of the Mt. Calvary Church in Indianola, Iowa. He was the guest of Senator Shull.

The Journal of Monday, February 23, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:41 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:46 a.m., President Lamberti presiding.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 24, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 111, a concurrent resolution designating a joint convention on Wednesday, February 25, 2004, at

1:00 p.m. for Major General Ron Dardis to deliver his Condition of the Iowa National Guard.

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

Senator Sievers took the chair at 12:13 p.m.

RECESS

On motion of Senator Veenstra, the Senate recessed at 12:20 p.m. until 3:30 p.m.

APPENDIX — 1

COMMUNICATION RECEIVED

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

February 24, 2004

DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

Report regarding chronic wasting disease and recommendations of the chronic wasting disease task force, pursuant to 2003 Acts, House File 509.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: February 23, 2004, 3:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Approved Governor's appointee.

Recessed: 3:15 p.m.

Reconvened: 3:40 p.m.

Adjourned: 4:40 p.m.

AGRICULTURE

Convened: February 24, 2004, 9:35 a.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Angelo and Black (both excused).

Committee Business: Presentation regarding ethanol/E85 summit.

Adjourned: 10:50 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 24, 2004, 9:35 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, Redfern, and Ziemann.

Members Absent: Black and Lundby (both excused).

Committee Business: Presentation regarding ethanol/E85 summit.

Adjourned: 10:50 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 119, by Warnstadt, a resolution urging the United States Department of Labor to continue overtime protection for veterans who receive specialized military training.

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

Senate Resolution 120, by Redfern and Dotzler, a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award.

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

INTRODUCTION OF BILLS

Senate File 2161, by Houser, a bill for an act relating to adult persons with mental retardation or other developmental disabilities who pose a severe and persistent threat to themselves or others by authorizing creation of an expert mobile team and specialized treatment unit, establishing a commitment process for placements in the specialized unit, and including a contingent effective date.

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

Senate File 2162, by Gronstal, a bill for an act providing for membership in a protection occupation under the Iowa public employees' retirement system for jailers.

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

Senate File 2163, by Schuerer, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

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

Senate File 2164, by Warnstadt, a bill for an act to prohibit long-term care insurance policies from requiring payment of premiums exceeding the lifetime maximum benefit amount of the policy.

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

Senate File 2165, by Hatch, Beall, Stewart, Dvorsky, Connolly, Gronstal, Kibbie, Black, Holveck, Ragan, Dotzler, Seng, Bolkcom, McCoy, Quirnbach, Horn, Fraise, Dearden, Warnstadt, and Kreiman, a bill for an act relating to human trafficking, and providing a penalty.

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

STUDY BILLS RECEIVED

SSB 3107 **Commerce**

Relating to immunity from third-party liability for claims resulting from contaminated property.

SSB 3108 Education

Relating to the minimum amount of instructional time accredited schools are required to provide.

SSB 3109 Education

Relating to bullying at school and requiring school districts to adopt and annually review antibullying policies.

SSB 3110 Agriculture

Providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

SSB 3111 Agriculture

Relating to the establishment of a form of business association referred to as a cooperative, and providing for fees and tax credits and providing penalties.

SSB 3112 Ways and Means

Phasing out the state individual income tax on pension and retirement income and on social security benefits.

SUBCOMMITTEE ASSIGNMENTS**Senate File 2110**

WAYS AND MEANS: Sievers, Chair; Bolcom and McKibben

Senate File 2156

WAYS AND MEANS: Shull, Chair; Angelo and Quirnbach

Senate File 2159

STATE GOVERNMENT: Shull, Chair; Johnson and Kibbie

Senate File 2161

HUMAN RESOURCES: Tinsman, Chair; Ragan and Seymour

Senate File 2163

COMMERCE: Schuerer, Chair; Beall and Wieck

Senate File 2164

COMMERCE: Schuerer, Chair; Beall and Wieck

House File 2042

HUMAN RESOURCES: Kreiman, Chair; Hosch and Schuerer

House File 2167

STATE GOVERNMENT: Ward, Chair; Black and Schuerer

House File 2174

STATE GOVERNMENT: Schuerer, Chair; Dearden and Drake

House File 2193

STATE GOVERNMENT: Ward, Chair; Ragan and Tinsman

House File 2269

COMMERCE: Schuerer, Chair; Beall and Sievers

SSB 3107

COMMERCE: Kettering, Chair; Sievers and Stewart

SSB 3108

EDUCATION: Brunkhorst, Chair; Beall and McKinley

SSB 3109

EDUCATION: Boettger, Chair; Beall and McKinley

SSB 3110

AGRICULTURE: Zieman, Chair; Johnson and Seng

SSB 3111

AGRICULTURE: Johnson, Chair; Behn, Fraise, Gaskill, and Kibbie

SSB 3112

WAYS AND MEANS: McKibben, Chair; Seng and Shull

AFTERNOON SESSION

The Senate reconvened at 3:41 p.m., Senator Zieman presiding.

The Senate stood at ease at 3:42 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 4:30 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 4:31 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 4:33 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 111, a concurrent resolution designating a joint convention on Wednesday, February 25, 2004, at 1:00 p.m. for Major General Ron Dardis to deliver his Condition of the Iowa National Guard.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 111.

House Concurrent Resolution 111

On motion of Senator Iverson, **House Concurrent Resolution 111**, a concurrent resolution designating a joint convention on Wednesday, February 25, 2004, at 1:00 p.m. for Major General Ron Dardis to deliver his Condition of the Iowa National Guard, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 111, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolution 111** 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 2076.

Senate File 2076

On motion of Senator Seymour, **Senate File 2076**, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, was taken up for consideration.

Senator Seymour asked and received unanimous consent that **House File 2187** be **substituted** for **Senate File 2076**.

House File 2187

On motion of Senator Seymour, **House File 2187**, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, was taken up for consideration.

(Action on House File 2187 was deferred.)

Senator Iverson asked and received unanimous consent that **House File 2187** (and attached **Senate File 2076**) be referred from the Regular Calendar to the committee on **State Government**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn, for the remainder of the day, on request of Senator Bolkcom.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2121.

Senate File 2121

On motion of Senator McKibben, **Senate File 2121**, a bill for an act exempting certain environmental test laboratory services from the state sales and use tax, was taken up for consideration.

Senator McCoy withdrew amendment S-5030, filed by him from the floor to page 1 and to the title page of the bill.

Senator McCoy offered amendment S-5031, filed by him 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-5031 be adopted?" (S.F. 2121), the vote was:

Yeas, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dearden | Hatch | Ragan |
| Black | Dotzler | Holveck | Seng |
| Bolkcom | Dvorsky | Kibbie | Stewart |
| Connolly | Fraise | McCoy | Warnstadt |
| Courtney | Gronstal | Quirnbach | |

Nays, 29:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Miller | Tinsman |
| Behn | Johnson | Putney | Veenstra |
| Boettger | Kettering | Redfern | Ward |
| Brunkhorst | Kreiman | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |
| Houser | McKinley | Sievers | |

Absent, 2:

| | |
|------|--------|
| Horn | Larson |
|------|--------|

Amendment S-5031 lost.

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

On the question "Shall the bill pass?" (S.F. 2121), the vote was:

Yeas, 32:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Gronstal | Lundby | Seymour |
| Behn | Hosch | McKibben | Shull |
| Black | Houser | McKinley | Sievers |
| Boettger | Iverson | Miller | Tinsman |
| Brunkhorst | Johnson | Putney | Veenstra |
| Dotzler | Kettering | Redfern | Ward |
| Drake | Kibbie | Rehberg | Wieck |
| Gaskill | Lamberti | Schuerer | Zieman |

Nays, 16:

| | | | |
|----------|---------|-----------|-----------|
| Beall | Dearden | Holveck | Ragan |
| Bolkcom | Dvorsky | Kreiman | Seng |
| Connolly | Fraise | McCoy | Stewart |
| Courtney | Hatch | Quirnbach | Warnstadt |

Absent, 2:

| | |
|------|--------|
| Horn | Larson |
|------|--------|

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

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2092.

Senate File 2092

On motion of Senator Kreiman, **Senate File 2092**, a bill for an act relating to filling the office of county attorney by appointment, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that **House File 2180** be **substituted** for **Senate File 2092**.

House File 2180

On motion of Senator Kreiman, **House File 2180**, a bill for an act relating to filling the office of county attorney by appointment, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2180), the vote was:

Yeas, 47:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | McKinley | Tinsman |
| Brunkhorst | Hosch | Miller | Veenstra |
| Connolly | Houser | Putney | Ward |
| Courtney | Iverson | Quirnbach | Warnstadt |

| | | | |
|---------|-----------|---------|--------|
| Dearden | Johnson | Ragan | Wieck |
| Dotzler | Kettering | Redfern | Zieman |
| Drake | Kibbie | Rehberg | |

Nays, none.

Absent, 3:

| | | |
|------|--------|---------|
| Horn | Larson | Sievers |
|------|--------|---------|

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

WITHDRAWN

Senator Kreiman asked and received unanimous consent that **Senate File 2092** 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 2118.

Senate File 2118

On motion of Senator Wieck, **Senate File 2118**, a bill for an act regarding public utility rights-of-way and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2118), the vote was:

Yeas, 47:

| | | | |
|----------|----------|----------|----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | McKinley | Tinsman |

| | | | |
|------------|-----------|-----------|-----------|
| Brunkhorst | Hosch | Miller | Veenstra |
| Connolly | Houser | Putney | Ward |
| Courtney | Iverson | Quirnbach | Warnstadt |
| Dearden | Johnson | Ragan | Wieck |
| Dotzler | Kettering | Redfern | Zieman |
| Drake | Kibbie | Rehberg | |

Nays, none.

Absent, 3:

| | | |
|------|--------|---------|
| Horn | Larson | Sievers |
|------|--------|---------|

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2118 and 2121** and **House File 2180** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2007.

Senate Joint Resolution 2007

On motion of Senator Iverson, **Senate Joint Resolution 2007**, 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 2007, 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 previously served as the ceremony location; 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 when the ceremony was previously held at the State Capitol; and

WHEREAS, under 11 IAC 100.4(8), 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 11 IAC 100.4(8) 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 14, 2004, 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. 2007), the vote was:

Yeas, 45:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Lundby | Seymour |
| Beall | Fraise | McCoy | Shull |
| Behn | Gaskill | McKibben | Stewart |
| Black | Gronstal | McKinley | Tinsman |
| Boettger | Hatch | Miller | Veenstra |
| Bolkcom | Hosch | Putney | Ward |
| Brunkhorst | Houser | Quirnbach | Warnstadt |
| Cannolly | Iverson | Ragan | Wieck |
| Courtney | Johnson | Redfern | Zieman |

| | | |
|---------|-----------|----------|
| Dearden | Kettering | Rehberg |
| Dotzler | Kibbie | Schuerer |
| Drake | Lamberti | Seng |

Nays, 2:

| | |
|---------|---------|
| Holveck | Kreiman |
|---------|---------|

Absent, 3:

| | | |
|------|--------|---------|
| Horn | Larson | Sievers |
|------|--------|---------|

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 401

On motion of Senator Veenstra, **House File 401**, a bill for an act relating to the procedures for certificates of completion of property rehabilitation projects for which tax credits may be available, placed on the Unfinished Business Calendar on April 17, 2003, 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. 401), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | McKinley | Tinsman |
| Brunkhorst | Hosch | Miller | Veenstra |
| Connolly | Houser | Putney | Ward |
| Courtney | Iverson | Quirnbach | Warnstadt |
| Dearden | Johnson | Ragan | Wieck |
| Dotzler | Kettering | Redfern | Zieman |
| Drake | Kibbie | Rehberg | |

Nays, none.

Absent, 3:

Horn

Larson

Sievers

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 Resolution 2007** and **House File 401** be **immediately messaged** to the House.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2158** be referred from the Regular Calendar to the committee on **Ways and Means**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 24, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2281, a bill for an act relating to licensing of nonresident bait dealers.

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

House File 2282, a bill for an act relating to the selling of bait by an aquaculture unit licensee.

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

House File 2318, a bill for an act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:00 p.m. until 9:00 a.m., Wednesday, February 25, 2004.

APPENDIX — 2**REPORTS OF COMMITTEE MEETINGS****COMMERCE**

Convened: February 24, 2004, 3:10 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Sievers, and Stewart.

Members Absent: Schuerer (excused).

Committee Business: Presentations by John Perkins, consumer advocate, and Bill Courter from McLeod USA.

Adjourned: 3:40 p.m.

ECONOMIC GROWTH

Convened: February 24, 2004, 2:05 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: None.

Committee Business: Presentation by Michael Gartner, Director of Vision Iowa.

Adjourned: 2:50 p.m.

JUDICIARY

Convened: February 24, 2004, 1:05 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Approved SSBs 3047, 3048 (as amended), and 3055.

Adjourned: 2:00 p.m.

RULES AND ADMINISTRATION

Convened: February 24, 2004, 4:35 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved HCR 111.

Adjourned: 4:40 p.m.

INTRODUCTION OF BILLS

Senate File 2166, by committee on Judiciary, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

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

Senate File 2167, by committee on Judiciary, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

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

Senate File 2168, by Kreiman, a bill for an act relating to arraignments in criminal proceedings.

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

Senate File 2169, by Warnstadt and Drake, a bill for an act relating to certain protections for members and families of members of the Iowa national guard or United States reserve forces during military service.

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

Senate File 2170, by Kreiman, a bill for an act creating a forgivable loan program under the college student aid commission for certain persons who were placed in foster care or another out-of-home placement.

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

Senate File 2171, by Kettering, Bolkcom, and Stewart, a bill for an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date.

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

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: SENATE FILE 2166 (SSB 3055), a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2167 (SSB 3047), a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|------------|
| S-5030 | S.F. | 2121 | Matt McCoy |
| S-5031 | S.F. | 2121 | Matt McCoy |

JOURNAL OF THE SENATE

FORTY-FIFTH CALENDAR DAY
TWENTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, February 25, 2004

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

Prayer was offered by the Reverend Claude Jones, pastor of the Douglas Avenue Presbyterian Church in Des Moines, Iowa. He was the guest of Senator Holveck.

The Journal of Tuesday, February 24, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:12 a.m. until 11:45 a.m.

RECONVENED

The Senate reconvened at 11:45 a.m., Senator Boettger presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:50 a.m. until 12:45 p.m.

AFTERNOON SESSION

The Senate reconvened at 12:52 p.m., President Lamberti 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 111, 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 111, duly adopted, the joint convention was called to order at 1:02 p.m., President Lamberti 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.

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 House chamber.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators Ward, Shull, and Kibbie on the part of the Senate, and Representatives Alons, Klemme, and Thomas 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 Adjutant General of the Iowa National Guard, Major General Ron Dardis, that the Joint Convention was ready to receive him.

The motion prevailed by a voice vote and the Chair announced the appointment of Senators McKibben, Rehberg, and Warnstadt on the part of the Senate, and Representatives Tymeson, Chambers, and Quirk on the part of the House.

Director of the State Emergency Management Division, Ellen Gordon, was escorted into the House chamber.

Treasurer of State Michael L. Fitzgerald and Attorney General Tom Miller were escorted into the House chamber.

General Dardis's wife, Carmel, and their daughters, Megan, Jamie, and Cara were escorted into the House chamber.

Lieutenant Governor Sally J. Pederson was escorted into the House chamber.

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

President Lamberti introduced the Kuhlmann Sisters who sang "You Are the Ones."

The committee waited upon Major General Ron Dardis, Adjutant General of the Iowa National Guard, and escorted him to the Speaker's station.

President Lamberti then presented Major General Ron Dardis, Adjutant General of the Iowa National Guard, who delivered the following Condition of the Iowa National Guard Address:

Good afternoon. Thank you for the warm welcome!

Thank you Speaker Rants, President Lamberti, and members of the General Assembly for your kind invitation to speak to the Iowa General Assembly this afternoon.

On behalf of the men and women of the Iowa Guard, we want to thank all of you for your support over the years especially during the recent mobilization of our soldiers and airmen.

Governor Vilsack, our Commander-in-Chief, and Lieutenant Governor Pedersen, we thank you for your support. You have been with us every step of the way, especially during our recent mobilizations. You have participated in the sendoffs and welcome home ceremonies for our soldiers and airmen. You were also there to offer your deepest sympathy to our families who lost loved ones during this war on terror! We thank you for your caring leadership and strong support.

- A special thanks to the Kuhlmann Sisters for being here. They have performed at our sendoffs, our welcome home ceremonies, and today. We thank them for their strong support of the men and women in uniform!

I am very honored to be with you this afternoon and present a State of the Guard Address! I am very proud of the men and women of the Iowa Guard and always take advantage of an opportunity to tell our team story—the Iowa team story!

I hope at the conclusion of my presentation, you will share the same feelings I have for our quality young men and women in uniform today.

The vision we have in the Iowa Guard is one of being a world-class team committed to excellence and to one another.

- Little did we know at the inception of this vision statement this world-class team would be deployed around the world like we are today in the global war on terror.

The members of the Iowa team live by a set of values. These values are the standard we embrace on a daily basis at our places of employment, within our communities, and while we are deployed to fight the war on terror.

- Loyalty, duty, respect, selfless service, honor, integrity, personal courage, and excellence in all we do.

Your Iowa Guard today is being recognized as one of the top in this nation. We have broken out of the pack!

I will review with you today, steps taken by the leadership team to position the Iowa Guard for future success and take us to the next level.

A special thanks to the leadership team for their hard work, dedication, and commitment to continuously improve the Iowa Guard.

Congratulations Representative Jodi Tymeson on your promotion to Brigadier General. She is the first woman Brigadier General in the Iowa National Guard.

We have transformed your Iowa Guard!

- We don't look like we did five years ago!
- We are at 100 percent personnel strength.
- We have new and more relevant missions.
- We have new equipment.
 - Flying units—Army and Air

We have re-engineered and reorganized your National Guard.

We have provided in your handout the locations of our units and details of our budget and its economic impact.

- These transformational efforts have resulted in an increase of \$124 million in annual federal funding from 1998 levels.

Iowa is one of 26 states that have Homeland Security and Emergency Management under the military division. Due to our participation in state emergencies and new requirements of Homeland Security, this is the right alignment. Iowa has it right!

- Other states are moving to this model.
- Ellen Gordon, Homeland Security advisor to the Governor, is providing outstanding leadership to the Homeland Security and Emergency Management Department as they accomplish the homeland security initiatives for the state of Iowa. Ellen, we thank you for your leadership.

Your Iowa National Guard has both a federal and state mission. Your Iowa National Guard is the only military organization in Iowa where members take both a federal and state oath!

- What does this mean?
- The Governor can only activate the Guard for state emergencies as the Commander-in-Chief.

Your Iowa Guard is a combat-ready Guard prepared to respond to real-world contingencies all over the world.

- We are doing this today as we participate in the global war on terror.

We are also prepared to respond to state emergencies and come to the aid of Iowans in a time of need. Floods, winter storms, tornadoes, and now our homeland security missions are examples.

We also participate in community programs, become role models for our youth, and make our communities a safer and better place to raise our families.

- Our Counterdrug program is a good example of a community mission.

Let me share with you our commitment to excellence in the Iowa Guard. We have had a goal of being the strongest joint team possible (Army and Air Guard) for the last five years—the joint Iowa team!

States that come together as a joint team sharing benchmark programs, ideas, and resources will be the states that lead the way and prevent loss of force structure and a reduction in federal funding.

- We were directed by the Chief of the National Guard Bureau in October 2003 and have become a Joint Forces Headquarters in Iowa.
- The Adjutant General may be the commanding general over homeland security and Title 10 tasking, Army, Army Reserves, Air Guard, Air Force Reserve, Navy, and Marines.
- We are prepared for this change, as we already have been implementing this concept.

We also have had a goal of getting the Iowa Guard to 100 percent of personnel strength and also take the necessary steps to prepare the Iowa Guard for the upcoming Federal Quadrennial Defense Review and Base Realignment and Closure Committees.

Let me review with you the Air National Guard:

We are clearly in an expeditionary age. We are re-engineering the flying wings to fit into the air expeditionary force.

- 185th Air Refueling Wing – Sioux City
 - Transitioned from F-16 Fighters to KC-135E air refueling tankers.
- 132nd Fighter Wing – Des Moines
 - Put new engines in F-16s (Pratt and Whitney 229) providing more capability for future missions.
- 133rd Test Squadron – Fort Dodge
 - Transitioned from an Air Control Squadron to a test and evaluation mission providing alignment with our Iowa Guard technology initiatives.
 - Only test mission in the National Guard in the nation.

All of these transformational efforts for the Air National Guard have resulted in an increase in federal dollars of approximately \$100 million and provided longevity and viability and more relevant missions to our Air National Guard units.

An example of the relevancy I speak of is the 133rd Test Squadron in Fort Dodge.

- On 11 September 01, the National Guard and U.S. Air Force came to Iowa for the solution to the modernization of the radar contingency suite for North American Aerospace Defense Command (NORAD).
 - Provided internal radar picture.
- Today—testing leading edge technology initiatives for the U.S. Air Force!
 - Battlefield Control Center.
 - Allows control of airspace in multiple areas of operation from any one location in the world. Recently, a Battle Manager (Major Robin Hosch, who is with us today) from the 133rd controlled the airspace over Baghdad and sent real-time radar images to a command center in Massachusetts. They also monitored air space over Afghanistan and Puerto Rico. At the same time, Congressman Latham talked to a pilot flying over Baghdad.
 - Capability to control air war in Iraq and Afghanistan from Fort Dodge, Iowa—imagine that!
 - What is the significance?—allows for reachback capability, can provide command and control capability from remote locations. You don't have to forward deploy as many soldiers and airmen to the battlefield.

The Army National Guard:

We are redesigning the Army division and transforming the Army to a future force.

- Established a new troop command headquarters (O-6) in Iowa City when other states were downsizing.
- Re-established the 185th Corps Support Battalion, which was recently deployed to the Middle East!
- Aviation modernization.
 - Retired Vietnam era Cobra helicopters and replaced with Kiowa Warriors as interim until cascading of Apache attack helicopters.
 - Retiring Hueys—replaced the Huey with eight Blackhawks for utility requirements.
 - Heavy lift Chinook helicopters will be upgraded over ten-year period. We lost one on 2 November 03 Iraq.
 - We also received two extra Kiowa Warrior helicopters for Counterdrug mission.
 - Example: marijuana eradication
- Because Iowa's demographics are changing we have closed five armories and consolidated those units (previously no closings in 25 years).
 - Where we cannot sustain membership, nor afford to rehab, we made the difficult decision to close these armories.
- Building three new armories.
 - Estherville, Iowa City, and Burlington.
 - Estherville joint readiness center (a first for Iowa), \$16 million collaborative project with Iowa Guard, city of Estherville, and Iowa Lakes Community College
 - An armory.
 - A wellness center.

- A liberal arts community center.
 - Drill floor is two large basketball courts.
 - Across road from high school and Iowa Lakes Community College.
 - A new concept and a win-win for the Iowa Guard, Estherville community, and state of Iowa.
 - Ribbon-cutting ceremony slated for April.
- Our second strategy is to rehab armories where we can sustain membership.
 - Boone, Fort Dodge, Waterloo, Red Oak, Sheldon, and the list goes on.
- Our strategic plan calls for a large amount of federal construction dollars to be spent in Iowa. We have provided that information to you in the handout.
 - Total for fiscal years 2002–2005 is \$101 million federal and \$8.2 million state dollars.
 - A 12 to 1 federal to state ratio.
 - Federal dollars being spent in Iowa have a large impact for communities throughout the state!
 - We are very proud of this program.

Allow me to review with you recent accomplishments and success enjoyed by your Iowa Guard:

- Personnel strength.
 - The biggest accomplishment of all! Also the one we are most proud of!
 - At 100 percent in Iowa Guard.
 - Critical to readiness and combat-ready units in the Iowa Guard.
 - State educational assistance program has helped! Our goal has always been to get our state educational assistance program to 100 percent so as to be competitive with border states that have 100 percent programs.
 - We thank you for your past support of this program and ask for your continued support of this very vital program to the Iowa National Guard.
- National Maintenance Training Center at Camp Dodge.
 - Only one in the world (closed other one in Germany).
 - Thousands of soldiers on annual rotations.
 - Millions of dollars to local economy.
 - Plus save millions and millions of dollars for the Army on maintenance.
 - In recent discussion with National Guard Bureau—they will expand this training center. Double in size and double the number of jobs—very excited about this opportunity!
- 71st Civil Support Team.
 - One of 32 states (worked hard with delegation).
 - 100 percent federally funded.

- Adds tremendous capability to Homeland Security and Emergency Management Department in case of bioterrorism and weapons of mass destruction events!
 - Responded to Boone and Des Moines incidents in recent weeks!
- Army Communities of Excellence program.
 - Recognized as the #1 program in the nation (awarded \$3 million).
 - Quality improvement program or our continuous improvement program, if you will.
 - Have operationalized this program on a daily basis.
 - Assisted state government in early stages of state quality program!
- Diversity program.
 - A model program for the nation!
 - National Guard Bureau using Iowa program.
 - Key to future success of Iowa Guard!
 - Reach out to diverse groups stressing equal opportunity for all!
 - Presently reflect 3.6 percent of diversity in the Iowa Guard.
 - Goal of 6 percent diversity, as is state of Iowa.
 - Be a mirror image of the communities in which we reside.
- Counterdrug program.
 - Recognized as top program nationally.
 - #1 methamphetamine awareness program in nation.
 - Award from Secretary of Defense.
 - Making a difference with our youth and making our communities a safer and better place to raise our families.
 - Crack house demolition—over 100 houses destroyed.
 - Drug demand reduction program in our middle schools is a good example.
 - New Midwest region Counterdrug school (includes 18 states and territories).
 - FY '03 funding of \$3.5 million—increasing to \$5 million per year.
 - Expect 3000–5000 law enforcement students in this school annually.
- We realize the importance of staying on the cutting edge of technology! The key to our success in the future!
 - Your Iowa Guard is leading the nation in distance learning and technology initiatives.
 - We are leveraging the infrastructure of the Iowa communications network for training.
 - This one of a kind network with unlimited bandwidth capability results in a living test bed for Department of Defense contractors and commercial contractors for technology and distance learning projects.
 - We will remain engaged at the national level and continue to leverage the infrastructure of the Iowa Communications Network.

- We are excited about the emerging missions and new opportunities in the distance learning, technology, and homeland security areas.

Now allow me to transition and comment on the war on terrorism and our Defenders of Freedom that have joined us in the chamber today. And I want to share with you examples of commitment we have for one another.

We all can agree the events of 11 September 2001 have changed our lives forever! It changed operations in the Iowa Guard significantly! Operations will never be the same in the Iowa Guard!

On that day:

- We went to Force Protection Level Delta (the highest level).
- 24-hour operations (still 24-hour force protection and alert 2 1/2 years later).
- Escorted Air Force One into Offutt Air Force Base and to D.C.
- Combat air patrol with F-16s.

We have been tasked for missions we didn't think we would be tasked for:

- Airport security mission at eight Iowa airports.
- Hygienic lab at University of Iowa.
- 24/7 alert mission for F-16s.
 - All-night when President Bush or senior leadership was in Des Moines.
- Liberty shield—security of railroad bridges over Mississippi River.
- Trained 500-member task force to respond to homeland security mission.
- 133rd Test Squadron activated in place for radar contingency suite modernization.
- Security Police from 132nd Fighter Wing and 185th Air Refueling Wing activated and deployed—extended for two years!

We are now experiencing the largest mobilization of the Iowa Guard since World War II. This period will go down in history as a very significant event!

Nationally, our pace of operations is 20 times greater than Desert Shield/Desert Storm and increasing daily.

- Deployed to 30 countries in last two years.
- This causes increased stress on our members and their families, employers, and communities.

This is the biggest concern we have in the Guard today, and we must do everything we can to take care of our members and their families.

We have outstanding family support groups, Employer Support of the Guard and Reserve (ESGR) teams, and Civilian Aides to the Secretary of the Army all working together to provide this support.

- I thank Mr. Mike Earley and Mr. Sam Kalainov, Civilian Aides to the Secretary of the Army; Mr. Jack Felderman, State Chair, ESGR, and his team for all they do for our men and women in uniform. We could not perform the mission we do without their support.
- Members of this team have joined us in the chamber today. Thank you for your support!

- Ladies and gentlemen, our family support group and our Guard families helping families are truly our “heroes on the homefront.” We thank them for the sacrifices they are making and for their strong support of their loved ones who are deployed. I want to thank the Officers Wives’ Auxiliary, Ms. Cathy Luther, State Family Coordinator, and all her staff and volunteers. We thank you very much for all that you do.

I personally observed one of the most remarkable events I have ever witnessed in 38 years of military service—our mobilizations over the past two years.

- I saw a very proud Iowa team (all members of the Iowa Guard family) come together to ensure our soldiers and airmen were sent off to the war as prepared as they possible could be!
- They put the Iowa team first!

Let me explain:

- Painting of equipment to desert camouflage—1200 plus pieces.
- Proper clothing.
- Proper equipment.
- Paperwork in order.
- Quality training completed.
- Briefings received by legal, ESGR, and Family Readiness.
- For months and months, members of the team worked endless hours (15–18 hours per day not uncommon). When Iowa soldiers arrived at the mobilization sites, they spent minimum time for processing.
- Three hours required versus three days or more.
- “You’re from Iowa—you’re okay!”
- “You’re from Iowa—go ahead!”

There is a special commitment to one another for sure! There is a special bond that exists between members of the Iowa team.

- This continues today in the Iowa Guard as we uparmor our HUMVEES and trucks for deploying soldiers and continue to assist families with issues, injuries, and casualties.
- As I interacted with our young soldiers and airmen, I quickly realized the quality young men and women we have in the Iowa Guard today.
- They were very positive.
- They were very thankful for the extra preparation and hard work of our Guard family.
- They were prepared for a deployment for the war on terror.
- They admitted that Mom and Dad had some concerns.
- They had no idea what it would be like in Iraq and Afghanistan, but they were proud and ready to go.

Today we have approximately 3,200 soldiers and airmen deployed and preparing to deploy around the world participating in the Global War on Terror.

- 4,200 in the last 1 1/2 years.
- Over 6,800 since 11 September 01.
- Unprecedented taskings for sure!
- 1st–7th in the nation for percentage of available force mobilized over last 1 1/2 years.

- Today, 78 percent of available force alerted and/or mobilized as we deploy. Approximately 700 additional soldiers from 11 Iowa communities—yesterday, today, and tomorrow.
- The largest task force mobilization since World War II.
 - We may very well be #1 in nation again.
- We need predictability! No more short alert notifications to mobilizations. Department of Defense and National Guard Bureau's goal is 25 percent deployed, 25 percent preparing for deployment, and 50 percent in training and reconstitution for future rotations. (Department of Defense says one deployment every six years.)

Previously, I spoke about our transformational efforts that have positioned the Iowa Guard at a very high level nationally. But the real test comes during combat operations.

Today, the active duty continues to ask for Iowa units. Why? Because we are a combat-ready Guard with high readiness levels and quality young men and women. They are the best of the best in the Iowa Guard today!

These young men and women are “hometown heroes” to us all!

- They have interrupted their lives—they are making sacrifices!
- They have left behind what they cherish most—family and friends.
- They have left one job for another—to protect this country from the evils of terror.
- They are performing their mission in an outstanding manner.

We are so proud of our young men and women in the Iowa Guard today!

- We salute them!
- We have tremendous respect for them!
- We thank them for their commitment, their dedication, and their willingness to serve!

Allow me to introduce to you a representation of our Defenders of Freedom that have been deployed for Operations Enduring Freedom (Global War on Terror outside continental United States), Noble Eagle (Global War on Terror continental United States), Iraqi Freedom (Iraq), and peacekeeping missions (Egypt, Bosnia, and Kosovo).

- These soldiers and airmen represent 2,400 members of the Iowa Guard.

I ask soldiers and airmen to stand and remain standing until I have introduced all units/members:

- 1034th Quartermaster Company (Operation Enduring Freedom – Afghanistan) – 24/7 operations providing logistical support for entire central region of Afghanistan and 82nd Airborne Division which included over 8,000 U.S. and coalition forces.
 - Captain Karla Pfeiffer, Commander
 - Lt Brad Teggatz
- Company D 109th Aviation (Operation Enduring Freedom/Operation Iraqi Freedom) – Two rotations in less than 27 months in support of the 160th SOAR (“Blackhawk Down”). They kept the special operations

helicopters in the air during Operations Enduring Freedom and Iraqi Freedom. Many forward deployed to the battlefield!

- Major Rob Stark
- SFC Garry Estabrooks
- SSG Michael Van Pelt
- 34th Operational Support Command pilots (Operation Iraqi Freedom) – Deployed for six months to Kuwait in support of U.S. Central Command (CENTCOM) operations. During this time they flew 325 missions, hauling 1625 passengers to include the CENTOM three star general, foreign ambassadors, special operations forces such as Navy Seals, and 65,000 lbs of cargo. A total of 600 hours of accident free flying!
 - CW4 Ed Stettin
 - SFC Jodi Bishop
- 1-194th Field Artillery (Operation Noble Eagle) – One year on duty providing critical asset protection in Ohio, Michigan, and Indiana. The M-1 Abrams tank factory and a chemical weapons storage facility were two of the locations.
 - CSM Craig Berte
 - SPC Brian Adams
- 1-133 Infantry Battalion (Sinai Peacekeeping for six months) – Accomplished the mission with fewer soldiers than any other previous unit. Competed against Army soldiers from Colombia, Fiji, and other U.S. units and won the Commander's Cup in the forces skills competition. They lived up to their nickname, the "Ironman Battalion."
 - SSG Michael Devereux
 - SSG Michael McNory
- 185th Rear Operation Center (Operation Iraqi Freedom) – Personnel filled key support positions at command level in Iraq and Kuwait. Personnel were responsible for helping organize the rotation of soldiers and airmen deployed to the Middle East for Operation Iraqi Freedom. Also served on base defense liaison teams in many areas of operation in Iraq.
 - Captain Donald McGhghy
 - SPC Mark Mortenson
- 3654 Maintenance Company (Operation Enduring Freedom) – Provided maintenance support in Afghanistan.
 - SPC Brett Bellis
 - Private Aaron Vanrees
- UH-60 Blackhawk pilots from Company B, 147th Aviation (Operation Iraqi Freedom) – CW4 John Prater, CW3 Brian O'Keefe and CW2 Mark Bragg were unable to be with us today. Deployed for six months and supported the 101st Airborne Division in Iraq. They flew over 250 hours of combat missions.
- 132nd Fighter Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Deployed to Turkey where they flew combat missions over Northern Iraq in November–December 2003. Their sixth deployment in six years to Iraq. Security police activated for two years and are also providing air sovereignty alert for NORAD at the Des Moines Air Base.
 - Major Mark Maly
 - TSgt Doug Asher
 - SrA Eric Randall
 - SrA Randy Warden

- 185th Air Refueling Wing (Operation Noble Eagle/Operation Iraqi Freedom) – Escorted Air Force One on 11 September 01 and deployed security police to locations around the world. Flew combat air patrols over Eastern Seaboard in the fall of 2001 and deployed four times to enforce the no-fly zones over Iraq.
 - SSgt Greg Patten
 - SSgt Michael Smidt
 - TSgt Steve Streeter
- 133rd Test Squadron (Operation Noble Eagle /Operation Iraqi Freedom) – Members were deployed to Baghdad International Airport and controlled the airspace over Central Iraq.
 - Major Robin Hosch, Commander
 - SMSgt Bob Steffes
- 2168 Transportation Company (Operation Iraqi Freedom) – The 2168 Transportation Company was mobilized, but due to a change in mission never left the U.S. We welcomed them home as we have the other units here today, as heroes. Their determination to serve this great nation has not gone unnoticed.

Soldiers and airmen, thank you for your outstanding performance and for the sacrifices you made in serving your state and nation!

You might ask why did these men and women decide to join the Iowa National Guard knowing someday they might have to serve in harm's way?

Let me tell you why:

- All young people have a dream!
- They have the opportunity to fulfill their dreams in the Iowa Guard.
- Most of these young men and women join the Guard for the educational opportunities, but they stay for a different reason.
- We retain 85 percent plus of our members.
- After our young people participate:
 - In real-world missions, protecting the values we cherish most, like freedom.
 - In state emergencies, coming to the aid of Iowans in a time of need (the sense of helping others).
 - In community programs that add value to our communities, they become role models with our youth and make our communities a better place to raise our families. (It's that sense of volunteering and giving something back!)
 - Many people would say our young people today do not have that patriotic spirit.
 - I prefer to say it is alive and well—our young people enter the Guard in an attempt to fulfill their dream and get an education, but they stay for patriotic reasons.
 - An example of a quality investment in our youth today.
- What do you as citizens get back from your investment in the Iowa National Guard?
 - The employers get an educated, trustworthy, ethical, hardworking, and drug-free employee.

- Your communities get a model citizen who will volunteer their time with local youths.
- Teaching them how to make morally correct decisions in life.
- There are also many advantages to employing our future military leaders.
 - They are and will continue to receive world-class leadership and technical training through the National Guard. These are the same skills they will bring to your organization.
 - They are motivated, drug-free, and in great physical condition.
 - They are taught to be leaders, make sound decisions, and be team players.

They are professionals with a sense of honor and self-respect, and a “can do” attitude that will give your team the winning edge.

We have with us today some very special soldiers!

Let me introduce to you some Heroes from the Battlefield!

They all have defended freedom very courageously:

In this case they have sacrificed and have altered their lives forever with injuries!

- SPC B. J. Jackson, SPC Ashly Mentzer, SPC Nathan Lienemann, SGT Michael Swope, and SPC Ryan Klosterman – 186th Military Police Company, Baghdad, Iraq.
 - All five soldiers are fortunate to be alive.
 - SPC Mentzer and SPC Lienemann are here with us today!
 - Explain attack
 - Emphasize professionalism
 - Quality training
 - Composure under fire—get out of the kill zone—pinned down 45 minutes—fire fight lasted over four hours
 - Saved life of B. J. Jackson in spite of their own injuries—award Purple Heart for actions taken and injuries suffered!
 - B. J. is now a double amputee and recovering from severe burns at Brooks Medical Center in San Antonio, Texas
 - Purple Heart presentation by TAG
- Short-term goals
- Stand and salute The Adjutant General when he was presented Purple Heart.
 - Response to media representative—this General came here to salute B. J. and say thanks for all the sacrifices he is making so we can enjoy the freedoms and liberties we enjoy today.
 - He stood tall and proud, proud to have served his state and nation and proud to represent all the men and women who serve and sacrifice.
- Long-term goals
- He wants to get back to Iraq with 186th Military Police unit and finish the mission he was assigned—we are making a difference General!
 - Lienemann and Mentzer attacked again while enroute to get their Purple Hearts from the first attack. Commander said, “That’s it, you guys are going home.”

- SPC Mentzer and SPC Lienemann, a special thanks for outstanding performance in Operation Iraqi Freedom.
 - You are heroes to us all!
 - You are special young Americans!
- SGT Cindy Meyer – 186th Military Police Company
 - Contracted viral encephalitis after receiving small pox vaccination in February 2003.
 - Was very active—woodworking skills!
 - Today—in a wheelchair, partially paralyzed, constant headaches and in constant pain.
 - In rehab today—striving for improvement.
 - She loves the Army National Guard and wouldn't do anything different today.
 - She remains very positive today.
 - She was ready and wanted to deploy!
 - We thank SGT Meyer for the sacrifices she is making.
- SPC Allen Brunner – 186th Military Police Company
 - Developed illnesses after he was mobilized.
 - Contracted Gillian Barré Syndrome and pneumonia after reactions to vaccinations during mobilization.
 - SPC Brunner is in rehab today and recovering from illnesses.
 - We thank you for your service and the sacrifices you are making.
- SGT Jon Sliger – 1133rd Transportation Company
- SGT Chad Hayes – 1133rd Transportation Company
- SGT Michael Doidge – 1133rd Transportation Company
 - All three soldiers injured in a mortar attack on their base camp on 7 January.
 - Eleven soldiers from 1133rd Transportation Company and one from 234th Signal Battalion from Iowa were wounded.
 - Soldiers are home recovering from their injuries.
 - Attended funeral of SPC Josh Knowles of Sheffield (driver/1133rd Transportation Company).
 - Proud of accomplishments of 1133rd Transportation Company in Iraq.
 - The unit has driven over 1.7 million miles delivering supplies and equipment all over Iraq.
 - It is said that any drivers for the 1133rd Transportation Company can go anywhere in Iraq without a road map.
 - SGT Jon Sliger, SGT Chad Hayes, SGT Michael Doidge—best of luck on your recovery and we thank you for the sacrifices you are making and your outstanding performance in Iraq.
- CH-47 crash on 2 November 2003 (Detachment 1, Company F, 106th Aviation – Davenport)
 - SGT Gerald Santos and SPC Chad Baetke.
 - Injuries suffered from crash.

- They were on a flight northwest Baghdad taking soldiers to the Baghdad Airport for leave when a shoulder-fired, surface to air heat-seeking missile struck an engine on their aircraft at 200 feet and 150 knots.
- Brief of accident
 - Taking care of people on board.
 - Iowa soldiers arrived at crash scene and pulled them from wreckage.
 - 13 soldiers died at the site.
 - 17 soldiers survived.
 - CW4 Bruce Smith (first combat casualty since Vietnam) and SGT Paul Fisher died from injuries sustained in the crash.
- Visit to Walter Reed Hospital (SGT Santos)
 - He asked if I could help in recognizing soldiers who aided in recovery. Again, he was concerned about others.
 - Said, “General, thanks for stopping by and checking on me— means a lot to me and Annie.”
 - Little did he know that it meant more to me than him. A true inspiration to all.
- Request – Will you take a message back to the Iowa team?
 - Thanks to all for help and support to my family and me during our difficult times.
 - SGT Santos and SPC Baetke, you truly are an inspiration to us all, and we thank you for your outstanding performance in the war on terrorism.

Other than recovering from their injuries, every soldier I have talked to wants to get back to their units and help complete the mission. They believe they are making a difference in Iraq, and they are proud of their accomplishments.

I would like to make a very special presentation to SGT Gerald Santos, SPC Chad Baetke, SGT Jon Slinger, SGT Chad Hayes, and SGT Michael Doidge.

- The medal of the Purple Heart!

We will do this a little differently today in the chamber.

- I will explain the award for the soldiers.
- We will read the citation for the individual soldier.
- I will pin the Purple Heart on the soldier's chest.

The Purple Heart is an award you hope you never receive!

- It is the oldest award given by the military.
- Established by General George Washington on 7 August 1782 during the Revolutionary War.
- The Purple Heart is awarded in the name of the President of the U.S. for any member of the Armed Forces for being wounded or killed in action during combat operations.
- While clearly an individual decoration, the Purple Heart differs from all other decorations in that an individual is not “recommended” for the decoration, rather he or she is entitled to it.
- The award reflects bravery, heroism, and valor above and beyond the call of duty. It describes these soldiers’ tour of duty in Iraq!

- Soldiers, you provide an incredible sense of pride and a clear definition of what it means to be an American.
- We thank you for your service to your state and country, and the sacrifices you are making.
- I would ask Governor Vilsack, our Commander-in-Chief, to join me in the awards presentations.
- Please stand for the reading of the citations.

[Major General Ron Dardis presented the Purple Heart awards to the five recipients.]

I would like to ask all present to remember our fallen comrades who made the ultimate sacrifice with their lives as they defended this country from the evils of terror. It is a sad day when we lose a member of the Armed Forces, especially, when that person is an Iowan. We have lost ten Iowans since last March; five of them are from active duty and reserve units.

- Sgt Bradley Korthaus, Davenport – USMC Reserve – Company C, 6th Engineer Support Battalion – 24 March 2003 – drown during combat operations
- Gunnery SGT Jeffery Bohr, Ossian – USMC – 1st Battalion, 5th regiment USMC – 10 April 03 – KIA
- Private Kenneth Nally, Hamburg – USA – 501st Military Police Company – 26 May 2003 – killed in vehicle accident
- Private Michael Deutsch, Dubuque – USA – Troop C, 1st Armored Division – 31 July 2003 – KIA
- Private Kurt Frosheiser, Des Moines – USA – 1st Armored Division – 8 November 2003 – KIA

Five soldiers from the Iowa Army National Guard have made the ultimate sacrifice in Operation Iraqi Freedom. We have presented to the families the Bronze Star and the Purple Heart posthumously, an emotional and humbling experience!

- PFC David Kirchoff, Anamosa – 2133rd Transportation Company – 14 August 03 (heatstroke)
- CW4 Bruce Smith, West Liberty – Detachment 1, Company F, 106th Aviation – 2 November 03 – KIA – (pilot of Chinook)
- SGT Paul Fisher, Marion - Detachment 1, Company F, 106th Aviation – 6 November 03 – died as result of injuries received in Chinook crash
- SPC Aaron Sissel, Tipton – 2133rd Transportation Company – 29 November 03 – KIA
- SPC Joshua Knowles, Sheffield – 1133rd Transportation Company – 5 February 2004 – KIA

Inscribed on the tomb of the Unknown Soldier in Arlington Cemetery are these words.

Not for fame or reward,
 Not for place or for rank,
 Not lured by ambition, or goaded by necessity,
 But in simple
 Obedience to duty as they understood it,
 These men suffered all,
 Sacrificed all,
 Dared all – and died.

- Our hearts go out to the families of our fallen heroes!
- Our prayers will be with them always.

Please join me in a moment of silence for our fallen comrades!

Our Iowa Guard members are:

- Citizens – most of the time
- Soldiers and airmen – some of the time
- Patriots all of the time!

Ladies and gentlemen, our young men and women in uniform today are serving their state and nation with dignity and pride!

We thank you for allowing us to come in here today and tell our story!

- Thank you always for your support.
- God bless you and your families.
- God bless America.

Thank you!

Major General Ron Dardis was escorted from the House chamber by the committee previously appointed.

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

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 2:25 p.m. upon dissolution of the joint convention until 8:30 a.m., Thursday, February 26, 2004.

The Senate returned to the Senate chamber.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Reverend Jim Davis, Zion Lutheran Church, Gowrie—For serving as Pastor of the Day on February 18, 2004. Senator Beall (2/18/04).

Reverend David Feltman, First Presbyterian Church, Fort Dodge—For serving as Pastor of the Day on March 1, 2004. Senator Beall (3/1/04).

Alexander Roland Metcalf, Dubuque—For achieving the Rank of Eagle Scout, Boy Scout Troop 11. Senator Connolly (3/21/04).

Reverend Steve Peters, Trinity United Methodist Church, Fort Dodge—For serving as Pastor of the Day on April 22, 2004. Senator Beall (4/22/04).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: February 25, 2004, 9:55 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

Members Absent: None.

Committee Business: Approved SSBs 3076, 3080, and 3098.

Adjourned: 10:25 a.m.

COMMERCE

Convened: February 25, 2004, 3:40 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: None.

Committee Business: Passed SF 2163 and approved SSBs 3036 (as amended) and 3081 (as amended).

Adjourned: 4:20 p.m.

EDUCATION

Convened: February 25, 2004, 9:55 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward.

Members Absent: None.

Committee Business: Passed SF 2129 and approved SSBs 3034 (as amended) and 3109.

Adjourned: 10:45 a.m.

HUMAN RESOURCES

Convened: February 25, 2004, 2:45 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed SJRs 2002 and 2005 and approved SSB 3065 (as amended).

Adjourned: 3:30 p.m.

LOCAL GOVERNMENT

Convened: February 25, 2004, 10:45 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hatch, Hosch, Houser, Kettering, Kreiman, McCoy, Rehberg, Seymour, and Stewart.

Members Absent: None.

Committee Business: Passed SF 2067 (as amended). Presentations by Iowa State Association of Counties and Iowa League of Cities.

Adjourned: 11:30 a.m.

STATE GOVERNMENT

Convened: February 25, 2004, 10:50 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed SFs 2031 (as amended) and 2044 and approved SSB 3015.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 121, by Iverson and Gronstal, a resolution to recognize and honor Iowans serving in all branches and components of the military.

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

INTRODUCTION OF BILLS

Senate File 2172, by committee on Judiciary, a bill for an act modifying the criminal penalty for certain thefts within a seventy-two-hour time period.

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

Senate File 2173, by committee on Business and Labor Relations, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

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

Senate File 2174, by committee on Education, a bill for an act relating to the appointment of the ninth member of the state board of regents.

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

Senate File 2175, by committee on Business and Labor Relations, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

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

Senate File 2176, by committee on Education, a bill for an act relating to bullying at school and requiring school districts to adopt and annually review antibullying policies.

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

Senate File 2177, by committee on Education, a bill for an act relating to the possession and self-administration of asthma medication by public and accredited nonpublic school students.

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

Senate File 2178, by Dvorsky and Zieman, a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

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

Senate File 2179, by committee on State Government, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

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

Senate File 2180, by committee on Local Government, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

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

STUDY BILLS RECEIVED

SSB 3113 Ways and Means

Regarding the enhanced 911 emergency telephone communications system.

SSB 3114 Business and Labor Relations

Concerning a monetary limit on an award of punitive or exemplary damages in a medical malpractice action.

SSB 3115 Natural Resources and Environment

Abolishing the doctrine of adverse possession of real property.

SSB 3116 Economic Growth

Relating to the deduction for certain qualifying tangible depreciable property and including effective and retroactive applicability date provisions.

SSB 3117 Natural Resources and Environment

Regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

SUBCOMMITTEE ASSIGNMENTS**Senate File 226**
(Reassignment)

JUDICIARY: Brunkhorst, Chair; McCoy and Miller

Senate File 2104

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Kettering and Seng

Senate File 2158

WAYS AND MEANS: Rehberg, Chair; Bolkcom and Miller

Senate File 2162

STATE GOVERNMENT: Schuerer, Chair; Black and Ward

Senate File 2169

STATE GOVERNMENT: Sievers, Chair; Drake and Kibbie

Senate File 2170

HUMAN RESOURCES: Schuerer, Chair; Horn and Veenstra

House File 2186

NATURAL RESOURCES AND ENVIRONMENT: Miller, Chair; Brunkhorst and Dearden

House File 2187

STATE GOVERNMENT: Johnson, Chair; Ragan and Ziemann

House File 2281

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Black and Kettering

House File 2282

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Black and Kettering

House File 2318

STATE GOVERNMENT: Shull, Chair; Kibbie and Ziemann

SSB 3113

WAYS AND MEANS: Shull, Chair; Connolly and Putney

SSB 3114

BUSINESS AND LABOR RELATIONS: Johnson, Chair; Horn and Seymour

SSB 3115

NATURAL RESOURCES AND ENVIRONMENT: Ziemann, Chair; Miller and Seng

SSB 3116

ECONOMIC GROWTH: Rehberg, Chair; Putney and Stewart

SSB 3117

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

FINAL COMMITTEE REPORTS OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: SENATE FILE 2173 (SSB 3098), a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Schuerer, Lundby, Dearden, Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2175 (SSB 3080), a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Schuerer, Lundby, Dearden, Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 2175, and they were attached to the committee report.

EDUCATION

Bill Title: *SENATE FILE 2174 (SSB 3034), a bill for an act relating to the appointment of the ninth member of the state board of regents.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2174, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2176 (SSB 3109), a bill for an act relating to bullying at school and requiring school districts to adopt and annually review antibullying policies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2177 (formerly SF 2129), a bill for an act relating to the possession and self-administration of asthma medication by public and accredited nonpublic school students.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: SENATE JOINT RESOLUTION 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, and Schuerer. Nays, 6: Ragan, Hatch, Holveck, Horn, Kreiman, and Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE JOINT RESOLUTION 2005, a joint resolution petitioning Congress to propose an amendment to the Constitution of the United States defining marriage as the legal union between one man and one woman as husband and wife.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, and Schuerer. Nays, 6: Ragan, Hatch, Holveck, Horn, Kreiman, and Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *SENATE FILE 2172 (SSB 3048), a bill for an act modifying the criminal penalty for certain thefts within a seventy-two-hour time period.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2172, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: *SENATE FILE 2180 (formerly SF 2067), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Kreiman, McCoy, Rehberg, Seymour, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2180, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Zieman, Sievers, Kibbie, Black, Courtney, Dearden, Drake, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, 2: Connolly and Johnson.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2179 (SSB 3015), a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on February 24, 2004, when the votes were taken on Senate Joint Resolution 2007, Senate File 2118, and House Files 401 and 2180. Had I been present, I would have voted "Yea" on all.

BRYAN J. SIEVERS

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committee for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

JUDICIARY

Paul Fitzgerald – Criminal and Juvenile Justice Planning Advisory Council
Daniel Hoeger – Criminal and Juvenile Justice Planning Advisory Council

JOURNAL OF THE SENATE

FORTY-SIXTH CALENDAR DAY
TWENTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 26, 2004

The Senate met in regular session at 8:34 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Alden Kuiper, pastor of Crossroads Christian Reform Church in West Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Wednesday, February 25, 2004, was approved.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2120 and 2144** be referred from the Regular Calendar to the committee on **Ways and Means**.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:37 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:40 a.m., President Pro Tempore Angelo presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:41 a.m. until 1:00 p.m., Monday, March 1, 2004.

APPENDIX

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: February 26, 2004, 1:10 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann.

Members Absent: Black (excused).

Committee Business: Passed SF 2138 and approved SSBs 3103 (as amended) and 3110.

Adjourned: 1:35 p.m.

ECONOMIC GROWTH

Convened: February 26, 2004, 2:05 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: McKinley and Putney (both excused).

Committee Business: Approved SSB 3091 and the Governor's appointees.

Adjourned: 2:15 p.m.

GOVERNMENT OVERSIGHT

Convened: February 26, 2004, 1:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Dvorsky, and Wieck.

Members Absent: Courtney, Ranking Member (excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:10 p.m.

JUDICIARY

Convened: February 26, 2004, 11:05 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward.

Members Absent: Boettger and Brunkhorst (both excused).

Committee Business: Passed SF 2117 (as amended) and HF 2138 and approved SSBs 3026 and 3054 (as amended).

Adjourned: 11:40 a.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: February 26, 2004, 2:10 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Miller, and Ziemann.

Members Absent: Black, Drake, Lundby, and Redfern (all excused).

Committee Business: Passed HF 2186.

Adjourned: 2:20 p.m.

RULES AND ADMINISTRATION

Convened: February 26, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Boettger, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Lamberti, Vice Chair; Courtney, Drake, and Dvorsky (all excused).

Committee Business: Passed SRs 115, 116, and 117.

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: February 26, 2004, 10:05 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: McKinley (excused).

Committee Business: Approved Governor's appointee.

Adjourned: 10:10 a.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 107, by committee on Economic Growth, a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

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

INTRODUCTION OF BILLS

Senate File 2181, by Holveck, a bill for an act relating to the operation of a vessel while a person is in the water and making a penalty applicable.

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

Senate File 2182, by Holveck, a bill for an act relating to the applicability of motor vehicle laws to persons operating wheelchairs.

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

Senate File 2183, by committee on Commerce, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

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

Senate File 2184, by Tinsman, a bill for an act relating to compulsory education.

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

Senate File 2185, by Kreiman, a bill for an act to establish a crime victim and witness notification system and advisory council in the department of justice and providing an effective date.

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

Senate File 2186, by Sievers, a bill for an act limiting the liability of manufacturers, distributors, and sellers of food or nonalcoholic beverages.

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

Senate File 2187, by committee on Commerce, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

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

Senate File 2188, by committee on State Government, 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 2189, by committee on Commerce, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

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

Senate File 2190, by committee on Human Resources, a bill for an act relating to the development of the long-term care system in Iowa.

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

Senate File 2191, by committee on Judiciary, a bill for an act relating to agreements to arbitrate and providing remedies.

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

Senate File 2192, by Lundby, Dotzler, Kettering, and Ragan, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

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

STUDY BILLS RECEIVED

SSB 3118 Judiciary

Relating to the inmate labor used on improvement projects at state institutions.

SSB 3119 Judiciary

Creating a private cause of action against any person, agency, or other recipient for disclosing the identity of a person who files a complaint against a health care facility.

SSB 3120 Judiciary

Relating to child custody and visitation provisions.

SSB 3121 Transportation

Creating a special combat infantry motor vehicle registration plate.

SSB 3122 Natural Resources and Environment

Relating to air and water regulation adopted by the environmental protection commission.

SSB 3123 Natural Resources and Environment

Providing for the regulation of air quality, and making penalties applicable.

SSB 3124 Agriculture

Relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

SSB 3125 State Government

Relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

SSB 3126 Agriculture

Relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

SSB 3127 Commerce

Relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements and reporting; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

SSB 3128 Education

Requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

SSB 3129 Education

Relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall.

SUBCOMMITTEE ASSIGNMENTS**Senate Joint Resolution 2009**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Concurrent Resolution 106

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 120

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 121

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 414

HUMAN RESOURCES: Schuerer, Chair; Ragan and Veenstra

Senate File 2122

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Lundby and Seng

Senate File 2160

NATURAL RESOURCES AND ENVIRONMENT: Lundby, Chair; Dearden and Kettering

Senate File 2178

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Courtney and Lundby

SSB 3118

JUDICIARY: Tinsman, Chair; Fraise and Miller

SSB 3119

JUDICIARY: Boettger, Chair; Horn and Ward

SSB 3120

JUDICIARY: Miller, Chair; McCoy and Redfern

SSB 3121

TRANSPORTATION: Shull, Chair; Dearden and Drake

SSB 3122

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Kettering and Seng

SSB 3123

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Houser and Seng

SSB 3124

AGRICULTURE: Johnson, Chair; Fraise and Houser

SSB 3125

STATE GOVERNMENT: Schuerer, Chair; Courtney and Ziemann

SSB 3126

AGRICULTURE: Gaskill, Chair; Angelo and Courtney

SSB 3127

COMMERCE: Schuerer, Chair; Beall and Sievers

SSB 3128

EDUCATION: Behn, Chair; Beall and Boettger

SSB 3129

EDUCATION: Boettger, Chair; Dvorsky and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2138, a bill for an act providing for an Iowa animal identification development council, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: SENATE FILE 2183 (formerly SF 2163), a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2187 (SSB 3036), a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2187, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2189 (SSB 3081), a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2189, and they were attached to the committee report.

ECONOMIC GROWTH

Bill Title: *SENATE CONCURRENT RESOLUTION 107 (SSB 3091), a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: McKinley and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on Senate Concurrent Resolution 107, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2190 (SSB 3065), a bill for an act relating to the development of the long-term care system in Iowa.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2190, and they were attached to the committee report.

JUDICIARY

Bill Title: SENATE FILE 2191 (SSB 3026), a bill for an act relating to agreements to arbitrate and providing remedies.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2138, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Miller, and Zieman. Nays, none. Present, 1: Holveck. Absent, 4: Black, Drake, Lundby, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 115, a resolution to recognize and honor the members of the Iowa Army and Air National Guard.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 116, a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 117, a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Gronstal, Boettger, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 4: Lamberti, Courtney, Drake, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2188 (formerly SF 2031), 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, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2188, and they were attached to the committee report.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 26th day of February, 2004:

Senate File 344.

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:

ECONOMIC GROWTH

David Bernstein – Economic Development Marketing Board
Mary Chapman – Economic Development Marketing Board
Teri Goodmann – Economic Development Marketing Board
Chris Harshbarger – Economic Development Marketing Board
Craig Lang – Economic Development Marketing Board
Mary O'Keefe – Economic Development Marketing Board
Gary Wells – Economic Development Marketing Board

Kathy Alden – Grow Iowa Values Board
Bonnie Barney – Grow Iowa Values Board
Mary Chapman – Grow Iowa Values Board
Nancy Dunkel – Grow Iowa Values Board
James Hancock – Grow Iowa Values Board
Gerald Kirke – Grow Iowa Values Board
Craig Lang – Grow Iowa Values Board
John Lisle – Grow Iowa Values Board

Marcia Nichols – Grow Iowa Values Board
Henry Royer – Grow Iowa Values Board
Toby Shine – Grow Iowa Values Board

Harvey Siegelman – Grow Iowa Values Review Commission

Robin Anderson – Loan and Credit Guarantee Advisory Board
Martha Jane Bell – Loan and Credit Guarantee Advisory Board
Jose Laracuente – Loan and Credit Guarantee Advisory Board
William Logan – Loan and Credit Guarantee Advisory Board
Donna Sorensen – Loan and Credit Guarantee Advisory Board
John Stavnes – Loan and Credit Guarantee Advisory Board
Gary Streit – Loan and Credit Guarantee Advisory Board

WAYS AND MEANS

Douglas Walter – Iowa Finance Authority

AMENDMENT FILED

S-5032 S.F. 2175 Larry McKibben

JOURNAL OF THE SENATE

FIFTIETH CALENDAR DAY
TWENTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 1, 2004

The Senate met in regular session at 1:05 p.m., President Lamberti presiding.

Prayer was offered by the Reverend David Feltman, pastor of the First Presbyterian Church in Fort Dodge, Iowa. He was the guest of Senator Beall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Matt Kronlage.

The Journal of Thursday, February 26, 2004, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on February 26, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and

providing penalties and including effective and retroactive applicability date provisions.

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

INTRODUCTION OF RESOLUTION

Senate Resolution 122, by Houser, a resolution recognizing the 100th anniversary of Glenn Miller's birthday.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:14 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 122, a resolution recognizing the 100th anniversary of Glenn Miller's birthday.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 122.

Senate Resolution 122

On motion of Senator Houser, **Senate Resolution 122**, a resolution recognizing the 100th anniversary of Glenn Miller's birthday, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved the adoption of Senate Resolution 122, which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:33 p.m. until 8:30 a.m., Tuesday, March 2, 2004.

APPENDIX

COMMUNICATION RECEIVED

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

March 1, 2004

DEPARTMENT OF PUBLIC DEFENSE—IOWA NATIONAL GUARD

Iowa Communications Network (ICN) Usage for the calendar year 2003, pursuant to Iowa Code section 8D.10.

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 1, 2004, 2:15 p.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

Members Absent: None.

Committee Business: Approved SSB 3114.

Adjourned: 2:50 p.m.

EDUCATION

Convened: March 1, 2004, 2:15 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward.

Members Absent: None.

Committee Business: Approved SSBs 3128 and 3129.

Adjourned: 2:45 p.m.

HUMAN RESOURCES

Convened: March 1, 2004, 3:15 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF 2042 and approved SSBs 3007 and 3070 (both as amended).

Recessed: 3:40 p.m.

Reconvened: 3:55 p.m.

Adjourned: 4:05 p.m.

RULES AND ADMINISTRATION

Convened: March 1, 2004, 1:10 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Drake, Dvorsky, Gaskill, Ragan, and Wieck.

Members Absent: Boettger, Courtney, and Sievers (all excused).

Committee Business: Passed SJR 2009, SCR 106, and SRs 120, 121, and 122.

Adjourned: 1:15 p.m.

INTRODUCTION OF BILLS

Senate File 2193, by committee on Judiciary, a bill for an act relating to the civil commitment of sexually violent predators.

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

Senate File 2194, by committee on Agriculture, a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

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

Senate File 2195, by Beall and Kibbie, a bill for an act authorizing the use of revenue derived from the physical plant and equipment levy and the local option sales tax for school infrastructure purposes for maintenance costs for specified school buildings, and for maintenance and repair costs for school district transportation equipment, and providing an applicability provision.

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

Senate File 2196, by Sievers, Veenstra, Johnson, Shull, Wieck, Gaskill, Behn, Boettger, Tinsman, Seng, Ward, Dvorsky, Hosch, Kettering, Stewart, Seymour, Kibbie, Beall, Courtney, and Lamberti, a bill for an act relating to the establishment of an Iowa spinal cord injury research program and including the levying of a surcharge on certain motor vehicle violations.

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

Senate File 2197, by committee on Agriculture, a bill for an act relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

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

Senate File 2198, by Tinsman, a bill for an act providing an additional exclusion from pension or retirement income for certain taxpayers for purposes of the state and 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 2199, by committee on Judiciary, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

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

Senate File 2200, by Kreiman, a bill for an act establishing the criminal offense of and a civil cause of action for the unauthorized collection and disclosure of personal information by computer, and providing a penalty.

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

Senate File 2201, by Kreiman, a bill for an act relating to dangerous animals, including by regulating the possession of those animals, requiring registration of the animals, and providing penalties.

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

STUDY BILLS RECEIVED

SSB 3130 Human Resources

Relating to crimes against an unborn child, providing for a repeal, and providing penalties.

SSB 3131 Natural Resources and Environment

Relating to the regulation and protection of mountain lions and providing penalties.

SSB 3132 State Government

Relating to the sale of beer kegs by requiring an identification number on each keg of beer, specifying registration procedures, and providing penalties.

SSB 3133 Agriculture

Relating to technical requirements applicable to weights and measures, and providing an effective date and for retroactive applicability.

SSB 3134 Agriculture

Relating to grain regulation.

SSB 3135 Local Government

Providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

SSB 3136 Natural Resources and Environment

Relating to the creation of a rural resource development assistance program and fund.

SSB 3137 Ways and Means

Allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 122

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2120

WAYS AND MEANS: Wieck, Chair; McKibben and Seng

Senate File 2144

WAYS AND MEANS: Putney, Chair; Rehberg and Seng

Senate File 2171

COMMERCE: Kettering, Chair; Bolkom and Wieck

Senate File 2181

TRANSPORTATION: Drake, Chair; Dearden and Putney

Senate File 2196

JUDICIARY: Boettger, Chair; Holveck and Tinsman

Senate File 2198

WAYS AND MEANS: Shull, Chair; Bolkom and Rehberg

SSB 3130

HUMAN RESOURCES: Boettger, Chair; Holveck and Hosch

SSB 3131

NATURAL RESOURCES AND ENVIRONMENT: Kettering, Chair; Kibbie and Miller

SSB 3132

STATE GOVERNMENT: Schuerer, Chair; Black and Shull

SSB 3133

AGRICULTURE: Johnson, Chair; Fraise and Veenstra

SSB 3134

AGRICULTURE: Kibbie, Chair; Veenstra and Ziemán

SSB 3135

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Rehberg

SSB 3136

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

SSB 3137

WAYS AND MEANS: Sievers, Chair; McKibben and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

AGRICULTURE

Bill Title: SENATE FILE 2194 (SSB 3110), a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemán. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2197 (SSB 3103), a bill for an act relating to setback distance requirements that apply to residences which are constructed in proximity to animal feeding operation structures and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Angelo, Behn, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, 1: Courtney. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Agriculture Committee on Senate File 2197, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2193 (SSB 3054), a bill for an act relating to the civil commitment of sexually violent predators.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2193, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2199 (formerly SF 2117), a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, 2: Boettger and Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2199, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE JOINT RESOLUTION 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 106, a concurrent resolution designating March 2004 as Iowa Women's History Month.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 120, a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 121, a resolution to recognize and honor Iowans serving in all branches and components of the military.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Lamberti, Gronstal, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 3: Boettger, Courtney, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|----------------|
| S-5033 | S.F. | 2175 | Larry McKibben |
| S-5034 | S.F. | 2120 | David Johnson |

JOURNAL OF THE SENATE

FIFTY-FIRST CALENDAR DAY
THIRTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 2, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Tim Maxa, pastor of the Lenox Presbyterian Church in Lenox, Iowa. He was the guest of Senator Angelo.

The Journal of Monday, March 1, 2004, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:35 a.m. until 8:30 a.m., Wednesday, March 3, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

CENTRO, Inc., North Liberty—For being named the supplier of the year by the John Deere agricultural division. Senator Dvorsky (3/4/04).

Nick Krauel, Audubon—For achieving the rank of Eagle Scout, Boy Scout Troop 103. Senator Boettger (3/20/04).

Robbie Nelson, Audubon—For achieving the rank of Eagle Scout, Boy Scout Troop 103. Senator Boettger (3/20/04).

Robert Rasing, Davenport—For achieving the rank of Eagle Scout, Boy Scout Troop 670. Senator Seng (2/19/04).

GOVERNOR'S VETO MESSAGE

March 1, 2004

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

Dear President Lamberti:

I hereby transmit Senate File 344, an Act relating to a monetary limit on an appeal bond and providing an applicability date.

I am unable to approve Senate File 344 in its entirety. This bill maintains the bonding requirement at the level of 110 percent and establishes a capped bonding amount at \$25 million. The current supersedeas bond requirement protects the interests of nonappealing parties by requiring that a party who seeks to stay the execution of a judgment must demonstrate that all costs, interest lost, and damages resulting from an appeal can be recovered. Senate File 344 undermines that level of protection afforded to judgment holders under Iowa law by creating a capped bonding system. The \$25 million cap would provide judgment holders with grossly inadequate security coverage during the pendency of their appeal. Moreover, the cap would disturb the current balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal.

Nevertheless, the State of Iowa should also look after the interests of those seeking to stay the execution of a judgment on appeal. The State could adequately protect their interests by simply providing a district court judge the discretion to stay a judgment pending appeal upon a showing that a bond amount less than 110 percent is reasonable or that extraordinary circumstances exist. In considering whether a stay is necessary,

the district court should weigh the interests of both parties, including the financial hardship on both the appellant and the appellee. However, in this showing, the appellant should bear a heavy burden.

A balance of rights between judgment holders and those seeking to stay the execution of a judgment on appeal is essential to our judicial system. Senate File 344 and its \$25 million cap fall well short of that stability and serves as a detriment to judgment holders. In the alternative, instituting a judicial review process will preserve the current sense of balance while allowing discretion for unique circumstances.

For the above reasons, I respectfully disapprove Senate File 344 in accordance with Article 3, Section 16, of the Constitution of the State of Iowa. In this effort, I am willing to work with our legislature in passing a bill that will establish this proper balance.

Sincerely,
THOMAS J. VILSACK
Governor

REPORTS OF COMMITTEE MEETINGS

AGRICULTURE

Convened: March 1, 2004, 4:35 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Black (excused).

Committee Business: Approved SSBs 3124, 3126, and 3133.

Adjourned: 4:45 p.m.

AGRICULTURE

Convened: March 2, 2004, 2:35 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Angelo, Behn, Black, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Fraise, Ranking Member; Courtney, and Gaskill (all excused).

Committee Business: Approved SSB 3134.

Adjourned: 2:40 p.m.

ECONOMIC GROWTH

Convened: March 2, 2004, 9:05 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: None.

Committee Business: Approved SSBs 3093, 3096 (as amended), and 3116.

Adjourned: 10:00 a.m.

JUDICIARY

Convened: March 3, 2004, 1:05 p.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed SF 2196 and approved SSBs 1159 (as amended), 3052 (as amended), 3086 (as amended), 3087, 3100 (as amended), 3105, and 3120.

Adjourned: 3:00 p.m.

WAYS AND MEANS

Convened: March 2, 2004, 10:40 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Seng, Sievers, Stewart, and Wieck.

Members Absent: Angelo and Rehberg (both excused).

Committee Business: Passed SFs 2120 and 2144 and approved SSB 3032.

Adjourned: 10:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 108, by Quirnbach, Kettering, and Redfern, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

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

Senate Resolution 123, by committee on Education, a resolution requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

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

Senate Resolution 124, by Dvorsky, a resolution commemorating the sesquicentennial anniversary of Cornell College.

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

Senate Resolution 125, by Quirmbach, a resolution to recognize the week of May 10, 2004, as Iowa Solar Energy Awareness Week.

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

INTRODUCTION OF BILLS

Senate File 2202, by committee on Education, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

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

Senate File 2203, by Warnstadt, a bill for an act relating to the unauthorized hiring of aliens in the United States, and providing a penalty.

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

Senate File 2204, by Warnstadt, a bill for an act providing for the distribution of moneys appropriated for the educational excellence program on a per pupil basis.

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

Senate File 2205, by Warnstadt, a bill for an act relating to the granting of visitation to grandparents and great-grandparents.

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

Senate File 2206, by committee on Business and Labor Relations, a bill for an act relating to occupational safety and health audits, including privilege and immunity protections, and providing a penalty.

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

Senate File 2207, by committee on Human Resources, a bill for an act relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers.

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

Senate File 2208, by committee on Agriculture, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

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

Senate File 2209, by committee on Human Resources, a bill for an act relating to the content of immunizations, and making a penalty applicable.

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

Senate File 2210, by committee on Agriculture, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

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

Senate File 2211, by committee on Agriculture, a bill for an act relating to technical requirements applicable to weights and measures, and providing an effective date and for retroactive applicability.

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

Senate File 2212, by committee on Natural Resources and Environment, a bill for an act abolishing the doctrine of adverse possession of real property.

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

Senate File 2213, by committee on Natural Resources and Environment, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

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

Senate File 2214, by committee on Economic Growth, a bill for an act relating to the deduction for certain qualifying tangible depreciable property and including effective and retroactive applicability date provisions.

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

Senate File 2215, by committee on Ways and Means, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

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

Senate File 2216, by committee on Ways and Means, a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

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

Senate File 2217, by committee on Ways and Means, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

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

Senate File 2218, by Kibbie, a bill for an act relating to the marketing of motor fuel and providing penalties.

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

Senate File 2219, by Dvorsky, a bill for an act relating to a pilot project for dementia-specific care alternatives.

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

Senate File 2220, by Lundby, a bill for an act providing for the privatization of the state liquor warehouse, and providing penalties.

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

Senate File 2221, by Lundby, a bill for an act providing for the annual readjustment of pensions for retirees under the statewide fire and police retirement system.

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

Senate File 2222, by Bolkom, a bill for an act relating to the imposition of a courthouse security surcharge for motor vehicle and transportation violations.

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

Senate File 2223, by Lundby, a bill for an act relating to a property tax reimbursement for certain services provided by certain commercial property owners or taxpayers.

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

Senate File 2224, by committee on Agriculture, a bill for an act relating to grain regulation.

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

Senate File 2225, by committee on Economic Growth, a bill for an act providing for negotiated rulemaking.

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

Senate File 2226, by Lundby, a bill for an act relating to the imposition of a community college income surtax.

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

Senate File 2227, by Kreiman, a bill for an act requiring the county single entry point process administrator to provide the court with a placement recommendation for persons subject to a court order for involuntary hospitalization.

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

Senate File 2228, by McKibben, a bill for an act exempting from the state sales and use taxes services furnished for the production of master audio, video, film, and digital recordings, providing limited refunds, and including effective and retroactive applicability date provisions.

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

STUDY BILLS RECEIVED

SSB 3138 Commerce

Relating to professional employer organizations.

SSB 3139 Commerce

Relating to wireless communications service contracts including waiver of certain consumer rights and the assessment of default charges on consumers.

SSB 3140 Natural Resources and Environment

Relating to permits relating to the construction and operation of open feedlots and providing for an effective date.

SSB 3141 Natural Resources and Environment

To establish an alternate energy incentive program in the utilities division of the department of commerce.

SSB 3142 Judiciary

To update and modify the enhanced 911 emergency telephone communications system.

SSB 3143 Judiciary

Relating to evidence in a sexual abuse case.

SSB 3144 Judiciary

Relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

SSB 3145 Judiciary

Extending the statute of limitations for criminal offenses related to sexual abuse.

SSB 3146 Judiciary

Relating to attending court for prospective jury service and serving on a jury, creating a fund, and providing a fee.

SSB 3147 Commerce

Relating to the recognition and registration of professional employer organizations.

SSB 3148 Judiciary

Relating to Iowa's operating-while-intoxicated law and installation of approved ignition interlock devices.

SSB 3149 Education

Requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability.

SSB 3150 Education

Requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

SSB 3151 Education

Relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

SSB 3152 Education

Providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula.

SUBCOMMITTEE ASSIGNMENTS**Senate File 358**

STATE GOVERNMENT: Shull, Chair; Dearden and Sievers

Senate File 2165

JUDICIARY: Brunkhorst, Chair; Gaskill and Quirmbach

Senate File 2168

JUDICIARY: Kettering, Chair; Kreiman and Tinsman

Senate File 2184

EDUCATION: Angelo, Chair; Dvorsky and McKinley

Senate File 2185

JUDICIARY: Brunkhorst, Chair; Kettering and McCoy

Senate File 2186

JUDICIARY: Gaskill, Chair; Horn and Redfern

Senate File 2192

COMMERCE: Wieck, Chair; Sievers and Warnstadt

Senate File 2195

EDUCATION: Rehberg, Chair; Beall and Behn

Senate File 2200

JUDICIARY: Gaskill, Chair; Brunkhorst and Kreiman

Senate File 2204

EDUCATION: Rehberg, Chair; Brunkhorst and Kreiman

House File 2200

JUDICIARY: Kettering, Chair; Horn and Ward

House File 2259

JUDICIARY: Kettering, Chair; Gaskill and Quirmbach

House File 2302

STATE GOVERNMENT: Zieman, Chair; Courtney, Kibbie, Shull, and Sievers

SSB 3138

COMMERCE: Sievers, Chair; Bolkcom and Wieck

SSB 3139

COMMERCE: Behn, Chair; Bolkcom and Schuerer

SSB 3140

NATURAL RESOURCES AND ENVIRONMENT: Houser, Chair; Johnson and Kibbie

SSB 3141

NATURAL RESOURCES AND ENVIRONMENT: Lundby, Chair; Bolkcom, Kettering, Kibbie, and Miller

SSB 3142

JUDICIARY: Kettering, Chair; Gaskill and Quirnbach

SSB 3143

JUDICIARY: Boettger, Chair; Holveck and Ward

SSB 3144

JUDICIARY: Kreiman, Chair; McKibben and Ward

SSB 3145

JUDICIARY: Boettger, Chair; Holveck and Ward

SSB 3146

JUDICIARY: McKibben, Chair; Kreiman and Miller

SSB 3147

COMMERCE: Putney, Chair; McCoy and Sievers

SSB 3148

JUDICIARY: Gaskill, Chair; Quirnbach and Redfern

SSB 3149

EDUCATION: McKinley, Chair; Brunkhorst and Connolly

SSB 3150

EDUCATION: Boettger, Chair; Dvorsky and Rehberg

SSB 3151

EDUCATION: Boettger, Chair; Connolly and Rehberg

SSB 3152

EDUCATION: Boettger, Chair; Connolly and McKinley

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: SENATE FILE 2208 (SSB 3124), a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2210 (SSB 3126), a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2211 (SSB 3133), a bill for an act relating to technical requirements applicable to weights and measures, and providing an effective date and for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2224 (SSB 3134), a bill for an act relating to grain regulation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Johnson, Hosch, Angelo, Behn, Black, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 3: Fraise, Courtney, and Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Bill Title: SENATE FILE 2206 (SSB 3076), a bill for an act relating to occupational safety and health audits, including privilege and immunity protections, and providing a penalty.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Schuerer, Lundby, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 4: Dearden, Courtney, Dotzler, and Horn. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: SENATE FILE 2214 (SSB 3116), a bill for an act relating to the deduction for certain qualifying tangible depreciable property and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Rehberg, Shull, Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, 1: Hatch. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2225 (SSB 3093), a bill for an act providing for negotiated rulemaking.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Rehberg, Shull, Beall, Boettger, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, 2: Hatch and Dotzler. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: SENATE RESOLUTION 123 (SSB 3128), a resolution requesting the Legislative Council to create an interim study committee to examine options for integrating technology to improve student achievement.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Boettger, McKinley, Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Redfern, Rehberg, and Ward. Nays, 3: Connolly, Beall, Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2202 (SSB 3129), a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, McKinley, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Redfern, Rehberg, and Ward. Nays, 2: Connolly and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: *SENATE FILE 2207 (SSB 3007), a bill for an act relating to provisions of an accident or health policy regarding equal compensation of certain providers of equivalent services and accessibility to certain providers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2207, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2209 (SSB 3070), a bill for an act relating to the content of immunizations, and making a penalty applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Veenstra, Seymour, Boettger, Holveck, Horn, Kreiman, McKinley, Schuerer, and Tinsman. Nays, 3: Ragan, Behn, and Hatch. Present, 1: Hosch. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2209, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2042, a bill for an act relating to the donation of blood by persons sixteen years of age.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2212 (SSB 3115), a bill for an act abolishing the doctrine of adverse possession of real property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Houser, Johnson, Seng, Brunkhorst, Drake, Kettering, Kibbie, Miller, Redfern, and Zieman. Nays, 5: Black, Bolkom, Dearden, Holveck, and Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2213 (SSB 3117), a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2215 (SSB 3032), a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Angelo and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2216 (formerly SF 2120), a bill for an act relating to the regulation of vessels by increasing certain vessel registration fees, increasing the registration period of vessels to three years, regulating the operation of certain vessels by minors, providing for increased inspections of certain vessels, providing for pilot and engineer licensing fees, and appropriating the moneys collected to the state fish and game protection fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, Shull, Dotzler, Hosch, McKinley, Miller, Putney, Quirmbach, Seng, Stewart, and Wieck. Nays, 4: Bolkcom, Connolly, McCoy, and Sievers. Absent, 2: Angelo and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2217 (formerly SF 2144), a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Angelo and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-5035

H.F. 2150

Larry McKibben

JOURNAL OF THE SENATE

FIFTY-SECOND CALENDAR DAY
THIRTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 3, 2004

The Senate met in regular session at 8:31 a.m., President Lamberti presiding.

Prayer was offered by the Reverend David Ruhe, pastor of the Plymouth Congregational Church in Des Moines, Iowa. He was the guest of Senator Ward.

The Journal of Tuesday, March 2, 2004, was approved.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:00 a.m. until 8:30 a.m., Thursday, March 4, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Juanita Formaro, Des Moines—For celebrating your 90th birthday on March 2, 2004. Senator Dotzler (3/2/04).

Gary Guge, Logan—For 40 years of service with the ISU Harrison County Extension Office. Senator Seymour (3/10/04).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 2, 2004, 4:10 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: None.

Committee Business: Passed SF 2016 and approved SSBs 3018 (as amended), 3037 (as amended), 3069, 3107, and 3127.

Adjourned: 4:40 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 2, 2004, 9:25 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Ziemann.

Members Absent: None.

Committee Business: Approved SSBs 3115, 3117, and 3123 (as amended).

Recessed: 10:25 a.m.

Reconvened: March 3, 2004, 7:40 a.m.

Recessed: 7:45 a.m.

Reconvened: 1:05 p.m.

Adjourned: 2:00 p.m.

BUSINESS AND LABOR RELATIONS

Convened: March 3, 2004, 10:15 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, Seymour, and Wieck.

Members Absent: McKibben (excused).

Committee Business: Discussion regarding SF 79 and SSB 3079.

Recessed: 10:25 a.m.

Reconvened: 4:25 p.m.

Adjourned: 4:30 p.m.

COMMERCE

Convened: March 3, 2004, 4:00 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: None.

Committee Business: Passed SF 2171 (as amended) and 2192 and approved SSB 3035 (as amended).

Adjourned: 4:20 p.m.

EDUCATION

Convened: March 3, 2004, 10:15 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward.

Members Absent: None.

Committee Business: Approved SSBs 3108, 3149, 3150, 3151, and 3152.

Adjourned: 11:50 a.m.

HUMAN RESOURCES

Convened: March 3, 2004, 2:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: Hatch (excused).

Committee Business: Passed SF 414 (as amended) and approved SSBs 3030 (as amended), 3130, and 3155.

Adjourned: 3:50 p.m.

LOCAL GOVERNMENT

Convened: March 3, 2004, 11:55 a.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hosch, Houser, Kettering, Kreiman, Rehberg, Seymour, and Stewart.

Members Absent: Hatch and McCoy (both excused).

Committee Business: Approved SSBs 3043 (as amended) and 3135.

Adjourned: 12:15 p.m.

STATE GOVERNMENT

Convened: March 3, 2004, 11:55 a.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed SFs 358 (as amended) and 2169 and approved SSB 3097.

Recessed: 12:20 p.m.

Reconvened: 12:35 p.m.

Adjourned: 12:50 p.m.

TRANSPORTATION

Convened: March 3, 2004, 2:05 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; McCoy, Ranking Member; Beall, Dearden, Fraise, Houser, Johnson, Shull, Ward, Warnstadt, and Zieman.

Members Absent: Rehberg (excused).

Committee Business: Approved SSBs 1135, 3071, and 3121.

Adjourned: 2:20 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 109, by Putney, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

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

Senate Concurrent Resolution 110, by committee on Education, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula.

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

Senate Concurrent Resolution 111, by committee on Education, a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

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

INTRODUCTION OF BILLS

Senate File 2229, by committee on Commerce, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

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

Senate File 2230, by committee on Commerce, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property.

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

Senate File 2231, by committee on Commerce, a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

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

Senate File 2232, by committee on Judiciary, a bill for an act relating to the establishment of an Iowa spinal cord injury research program and including the levying of a surcharge on certain motor vehicle violations.

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

Senate File 2233, by committee on Judiciary, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

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

Senate File 2234, by committee on Judiciary, a bill for an act relating to child custody and visitation provisions.

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

Senate File 2235, by committee on Judiciary, a bill for an act establishing a uniform mediation Act.

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

Senate File 2236, by committee on Business and Labor Relations, a bill for an act relating to awards of noneconomic damages against health care providers.

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

Senate File 2237, by committee on Education, a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide.

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

Senate File 2238, by committee on State Government, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

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

Senate File 2239, by committee on State Government, a bill for an act relating to certain protections for members and families of members of the Iowa national guard or United States reserve forces during military service.

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

Senate File 2240, by committee on Commerce, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

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

Senate File 2241, by committee on Local Government, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

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

Senate File 2242, by committee on Judiciary, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

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

Senate File 2243, by committee on Judiciary, a bill for an act relating to the transfer and apportionment of district associate judges and to the qualifications of magistrates, and providing for a study.

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

Senate File 2244, by committee on Commerce, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

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

STUDY BILLS RECEIVED**SSB 3153 Judiciary**

Creating medical parole for certain persons committed to the custody of the department of corrections.

SSB 3154 Judiciary

Relating to sentences that restrict the maximum accumulation of earned time credits to fifteen percent of the total sentence of confinement.

SSB 3155 Human Resources

Addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

SSB 3156 Judiciary

Relating to and providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

SSB 3157 Commerce

Relating to exempting certain customers from participation in energy efficiency plan requirements of electric utilities.

SSB 3158 Judiciary

Providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

SSB 3159 State Government

Concerning charter agencies and agencies designated as charter agencies, making appropriations, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 108**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Concurrent Resolution 109

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 124

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 125

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2218

TRANSPORTATION: Drake, Chair; Dearden and Houser

Senate File 2221

STATE GOVERNMENT: Johnson, Chair; Black and Shull

Senate File 2223

WAYS AND MEANS: McKinley, Chair; Bolkcom and Miller

Senate File 2227

HUMAN RESOURCES: Schuerer, Chair; Kreiman and Veenstra

Senate File 2228

WAYS AND MEANS: Shull, Chair; McCoy and McKinley

SSB 3153

JUDICIARY: Miller, Chair; Boettger and Fraise

SSB 3154

JUDICIARY: Redfern, Chair; Kreiman and Tinsman

SSB 3155

HUMAN RESOURCES: Veenstra, Chair; Hatch and Tinsman

SSB 3156

JUDICIARY: Kettering, Chair; McCoy and Miller

SSB 3157

COMMERCE: Sievers, Chair; Bolkcom and Putney

SSB 3158

JUDICIARY: Kettering, Chair; McCoy and Miller

SSB 3159

STATE GOVERNMENT: Ward, Chair; Ragan and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

BUSINESS AND LABOR RELATIONS

Bill Title: *SENATE FILE 2236 (SSB 3114), a bill for an act relating to awards of noneconomic damages against health care providers.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 6: Schuerer, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 4: Dearden, Courtney, Dotzler, and Horn. Present, 1: Lundby. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Business and Labor Relations Committee on Senate File 2236, and they were attached to the committee report.

COMMERCE

Bill Title: SENATE FILE 2229 (formerly SF 2016), a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, 1: McCoy. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2230 (SSB 3107), a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2231 (SSB 3069), a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2240 (SSB 3018), a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2240, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2244 (SSB 3037), a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2244, and they were attached to the committee report.

EDUCATION

Bill Title: SENATE CONCURRENT RESOLUTION 110 (SSB 3152), a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Boettger, McKinley, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, 1: Connolly. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 111 (SSB 3150), a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, McKinley, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, 1: Connolly. Absent, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2237 (SSB 3108), a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 9: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Redfern, Rehberg, and Ward. Nays, 6: Connolly, Beall, Dvorsky, Holveck, Kreiman, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: SENATE FILE 2232 (formerly SF 2196), a bill for an act relating to the establishment of an Iowa spinal cord injury research program and including the levying of a surcharge on certain motor vehicle violations.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Redfern, Kettering, Boettger, Gaskill, Holveck, Quirnbach, Tinsman, and Ward. Nays, 3: Horn, McCoy, and Miller. Present, 3: Kreiman, Fraise, and McKibben. Absent, 1: Brunkhorst.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2233 (SSB 3105), a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Redfern, Boettger, Brunkhorst, Gaskill, Holveck, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, 5: Kettering, Kreiman, Fraise, Horn, and McCoy. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2234 (SSB 3120), a bill for an act relating to child custody and visitation provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Present, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2235 (SSB 3087), a bill for an act establishing a uniform mediation Act.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2242 (SSB 3052), a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2242, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2243 (SSB 3100), a bill for an act relating to the transfer and apportionment of district associate judges and to the qualifications of magistrates, and providing for a study.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2243, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2241 (SSB 3135), a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hosch, Houser, Kettering, Kreiman, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Hatch and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2238 (SSB 3097), a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2239 (formerly SF 2169), a bill for an act relating to certain protections for members and families of members of the Iowa national guard or United States reserve forces during military service.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENT FILED

S-5036 S.R. 123 Herman C. Quirmbach

JOURNAL OF THE SENATE

FIFTY-THIRD CALENDAR DAY
THIRTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 4, 2004

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

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

The Journal of Wednesday, March 3, 2004, was approved.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 112, by McKibben and Dotzler, a concurrent resolution urging the United States Congress to appropriate funding for the federal Historic Preservation Fund and the Historic Barn Preservation Act.

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

SPECIAL GUESTS

Senator Black welcomed to the Senate chamber Mr. and Mrs. Chen LinYi. Mr. LinYi is President of the China Meat Import and Distribution Association in Taipei, Taiwan. Also present were MayMay and Bill Ng, meat exporters to Taiwan from Waukee, Iowa. SuChen (interpreter) gave remarks for Mr. LinYi.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:49 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:52 a.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:55 a.m. until 1:00 p.m., Monday, March 8, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Tony Eddy, Sibley-Ocheyedan High School—For achieving 100 career wrestling wins. Senator Johnson (3/4/04).

Harold Eggink, Sibley—For receiving the Master Breeders Award from the Iowa State Dairy Association. Senator Johnson (2/20/04).

Pete and Janet Hermanson, Story City—For receiving the National Turkey Federation lifetime achievement award. Senator Iverson (3/8/04).

Daniel Scarberry, Creston—For winning the State Wrestling Championship in the Class 2A 140-pound division. Senator Angelo (2/29/04).

James Sourbeer, Jr., Des Moines—For being the champion in the 100 freestyle and 200 freestyle races at the Iowa Boys' High School State Swim Meet, for being a member of the state academic team, and for being named a High School All-American. Senator Hosch (2/23/04).

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 4th day of March, 2004:

Senate File 2124.

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: March 4, 2004, 12:00 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; and Dvorsky.

Members Absent: Wieck (excused).

Committee Business: Presentation by Department of Agriculture and Department of Natural Resources in response to SSB 3104.

Adjourned: 12:20 p.m.

JUDICIARY

Convened: March 4, 2004, 10:30 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed SFs 226 (as amended), 2074 (as amended), and 2090, and approved SSBs 3085, 3118, 3143, 3144 (as amended), 3153 (as amended), 3154 (as amended), and 3158.

Adjourned: 11:35 a.m.

LOCAL GOVERNMENT

Convened: March 4, 2004, 1:45 p.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hatch, Hosch, Houser, Kettering, Kreiman, Seymour, and Stewart.

Members Absent: McCoy and Rehberg (both excused).

Committee Business: Passed SF 2115 and approved SSB 3089.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 4, 2004, 12:40 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Bolcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Zieman.

Members Absent: Black and Redfern (both excused).

Committee Business: Passed SF 2104 (as amended) and approved SSBs 3136, 3140, and 3141.

Adjourned: 1:40 p.m.

RULES AND ADMINISTRATION

Convened: March 4, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SCRs 108 and 109 and SRs 124 and 125.

Adjourned: 8:50 a.m.

STATE GOVERNMENT

Convened: March 4, 2004, 1:50 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: Black (excused).

Committee Business: Approved SSBs 3039, 3125 (as amended), 3160, and 3161.

Adjourned: 2:45 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 113, by Lundby and Connolly, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation.

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

INTRODUCTION OF BILLS

Senate File 2245, by committee on Commerce, a bill for an act relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements and reporting; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

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

Senate File 2246, by committee on Education, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing

for related matters, and providing an effective date and for the Act's applicability.

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

Senate File 2247, by committee on Transportation, a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate and providing an effective date.

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

Senate File 2248, by committee on Human Resources, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

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

Senate File 2249, by committee on Judiciary, a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

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

Senate File 2250, by Warnstadt, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

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

Senate File 2251, by committee on State Government, a bill for an act transferring responsibility for establishing the state plumbing code from the Iowa department of public health to the state building code commissioner and providing an effective date.

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

Senate File 2252, by committee on Transportation, a bill for an act relating to the establishment of a regional transit district within

the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

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

Senate File 2253, by committee on Transportation, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

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

Senate File 2254, by committee on Human Resources, a bill for an act relating to crimes against an unborn child, providing for a repeal, and providing penalties.

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

Senate File 2255, by committee on Education, a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

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

Senate File 2256, by committee on Commerce, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

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

Senate File 2257, by committee on Commerce, a bill for an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date.

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

Senate File 2258, by committee on Human Resources, a bill for an act relating to requirements related to covenant marriage.

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

Senate File 2259, by committee on Human Resources, a bill for an act relating to the establishment of a faith-based and community-based organizations network.

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

Senate File 2260, by committee on Judiciary, a bill for an act relating to evidence in a sexual abuse case.

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

Senate File 2261, by committee on Judiciary, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

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

Senate File 2262, by committee on Natural Resources and Environment, a bill for an act relating to permits relating to the construction and operation of open feedlots and providing for an effective date.

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

Senate File 2263, by committee on Judiciary, a bill for an act making changes to the residency restrictions that apply to certain sex offenders residing near a school or child care facility, and providing an effective date.

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

Senate File 2264, by committee on Judiciary, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

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

Senate File 2265, by committee on Commerce, a bill for an act relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions.

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

Senate File 2266, by committee on Judiciary, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

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

Senate File 2267, by committee on Natural Resources and Environment, a bill for an act providing for the regulation of air quality, and making penalties applicable.

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

STUDY BILLS RECEIVED

SSB 3160 State Government

Relating to petition requirements for establishing a satellite absentee voting station.

SSB 3161 State Government

Relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2226

WAYS AND MEANS: Rehberg, Chair; Seng and Wieck

SSB 3160

STATE GOVERNMENT: Zieman, Chair; Dearden and Sievers

SSB 3161

STATE GOVERNMENT: Zieman, Chair; Connolly and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION**COMMERCE**

Bill Title: SENATE FILE 2245 (SSB 3127), a bill for an act relating to cemeteries and cemetery regulation; establishing requirements for interment rights agreements and reporting; establishing and appropriating fees; and providing administration and enforcement procedures and penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2256 (formerly SF 2192), a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2257 (formerly SF 2171), a bill for an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2257, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2265 (SSB 3035), a bill for an act relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 10: Behn, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, McCoy, Schuerer, and Sievers. Nays, 5: Wieck, Lundby, Putney, Redfern, and Stewart. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Commerce Committee on Senate File 2265, and they were attached to the committee report.

EDUCATION

Bill Title: *SENATE FILE 2246 (SSB 3149), a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Redfern, Rehberg, and Ward. Nays, 6: Connolly, Beall, Dvorsky, Holveck, Kreiman, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2246, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2255 (SSB 3151), a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Hosch, Quirnbach, Redfern, Rehberg, and Ward. Nays, 1: Kreiman. Absent, 1: Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Education Committee on Senate File 2255, and they were attached to the committee report.

HUMAN RESOURCES

Bill Title: SENATE FILE 2248 (SSB 3155), a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Veenstra, Seymour, Ragan, Behn, Boettger, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2254 (SSB 3130), a bill for an act relating to crimes against an unborn child, providing for a repeal, and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, and Schuerer. Nays, 5: Ragan, Holveck, Horn, Kreiman, and Tinsman. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2258 (formerly SF 414), a bill for an act relating to requirements related to covenant marriage.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 7: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, and Schuerer. Nays, 5: Ragan, Holveck, Horn, Kreiman, and Tinsman. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2258, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2259 (SSB 3030), a bill for an act relating to the establishment of a faith-based and community-based organizations network.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, Schuerer, and Tinsman. Nays, 4: Ragan, Holveck, Horn, and Kreiman. Absent, 1: Hatch.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Human Resources Committee on Senate File 2259, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2249 (SSB 3086), a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2249, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2260 (SSB 3143), a bill for an act relating to evidence in a sexual abuse case.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2261 (SSB 3158), a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2263 (SSB 3085), a bill for an act making changes to the residency restrictions that apply to certain sex offenders residing near a school or child care facility, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, Holveck, McKibben, Miller, Tinsman, and Ward. Nays, 1: Quirnbach. Present, 3: Fraise, Horn, and McCoy. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2264 (formerly SF 2090), a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, McKibben, Miller, Tinsman, and Ward. Nays, 5: Fraise, Holveck, Horn, McCoy, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2266 (formerly SF 2074), a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2266, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2262 (SSB 3140), a bill for an act relating to permits relating to the construction and operation of open feedlots and providing for an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, and Zieman. Nays, none. Absent, 3: Black, Lundby, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2267 (SSB 3123), a bill for an act providing for the regulation of air quality, and making penalties applicable.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Houser, Johnson, Brunkhorst, Drake, Kettering, Miller, Redfern, and Zieman. Nays, 7: Seng, Black, Bolkcom, Dearden, Holveck, Kibbie, and Lundby. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2267, and they were attached to the committee report.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 108, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE CONCURRENT RESOLUTION 109, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 124, a resolution commemorating the sesquicentennial anniversary of Cornell College.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 125, a resolution to recognize the week of May 10, 2004, as Iowa Solar Energy Awareness Week.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: *SENATE FILE 2251 (formerly SF 358), a bill for an act transferring responsibility for establishing the state plumbing code from the Iowa department of public health to the state building code commissioner and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Zieman, Sievers, Kibbie, Black, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 4: Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2251, and they were attached to the committee report.

TRANSPORTATION

Bill Title: *SENATE FILE 2247 (SSB 3121), a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Drake, Putney, McCoy, Dearden, Fraise, Houser, Johnson, Shull, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 2: Beall and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2247, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2252 (SSB 1135), a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Drake, Putney, McCoy, Beall, Dearden, Fraise, Houser, Johnson, Shull, Ward, Warnstadt, and Ziemann. Nays, none. Absent, 1: Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2252, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2253 (SSB 3071), a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Drake, Putney, McCoy, Houser, Johnson, Shull, Ward, Warnstadt, and Ziemann. Nays, 2: Dearden and Fraise. Absent, 2: Beall and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Transportation Committee on Senate File 2253, and they were attached to the committee report.

JOURNAL OF THE SENATE

FIFTY-SEVENTH CALENDAR DAY
THIRTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 8, 2004

The Senate met in regular session at 1:12 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Tim Parker, pastor of St. Peter's Lutheran Church in Westgate, Iowa. He was the guest of Senator Brunkhorst.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Dexter Chan.

The Journal of Thursday, March 4, 2004, was approved.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 4, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 112, a concurrent resolution urging the United States Congress to appropriate funding for the federal Historic Preservation Fund and the Historic Barn Preservation Act.

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

The Senate stood at ease at 1:30 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:40 p.m., President Lamberti presiding.

BILLS REFERRED TO COMMITTEE

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

| | |
|-----------|----------------|
| S.F. 2194 | Appropriations |
| S.F. 2212 | Judiciary |
| S.F. 2232 | Ways and Means |
| S.F. 2238 | Ways and Means |
| S.F. 2242 | Ways and Means |

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Courtney, Fraise, Holveck, and Kreiman, 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 2119, 2166, and 2148.

Senate File 2119

On motion of Senator Kettering, **Senate File 2119**, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2119), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | McCoy | Shull |
| Beall | Gronstal | McKibben | Sievers |
| Behn | Hatch | McKinley | Stewart |
| Black | Horn | Miller | Tinsman |
| Boettger | Hosch | Putney | Veenstra |
| Bolkcom | Houser | Quirmbach | Ward |
| Brunkhorst | Iverson | Ragan | Warnstadt |
| Connolly | Johnson | Redfern | Wieck |
| Dearden | Kettering | Rehberg | Zieman |
| Dotzler | Kibbie | Schuerer | |
| Drake | Lamberti | Seng | |
| Dvorsky | Lundby | Seymour | |

Nays, none.

Absent, 5:

| | | |
|----------|---------|--------|
| Courtney | Holveck | Larson |
| Fraise | Kreiman | |

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

Senate File 2166

On motion of Senator Boettger, **Senate File 2166**, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2166), the vote was:

Yeas, 46:

| | | | |
|----------|----------|----------|---------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |

| | | | |
|------------|-----------|-----------|-----------|
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirnbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|---------|--------|
| Courtney | Fraise | Holveck | Larson |
|----------|--------|---------|--------|

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

Senate File 2148

On motion of Senator Brunkhorst, **Senate File 2148**, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2148), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirnbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|---------|--------|
| Courtney | Fraise | Holveck | Larson |
|----------|--------|---------|--------|

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 2119, 2148, and 2166** 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 2230 and 2187.

Senate File 2230

On motion of Senator Kettering, **Senate File 2230**, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property, was taken up for consideration.

Senator Stewart offered amendment S-5040, filed by Senators Stewart and Kettering from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment S-5040 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2230), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirnbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |

| | | | |
|---------|----------|----------|--------|
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|---------|--------|
| Courtney | Fraise | Holveck | Larson |
|----------|--------|---------|--------|

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

Senate File 2187

On motion of Senator Wieck, **Senate File 2187**, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes, was taken up for consideration.

Senator Wieck offered amendment S-5038, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5038 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2187), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirmbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

Courtney

Fraise

Holveck

Larson

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 2187** and **2230** 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 2225.

Senate File 2225

On motion of Senator McKinley, **Senate File 2225**, a bill for an act providing for negotiated rulemaking, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **Senate File 2225** be **deferred**.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2225** be referred from the Unfinished Business 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 2189.

Senate File 2189

On motion of Senator Sievers, **Senate File 2189**, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, was taken up for consideration.

Senator Iverson asked and received unanimous consent that action on **Senate File 2189** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2191.

Senate File 2191

On motion of Senator Redfern, **Senate File 2191**, a bill for an act relating to agreements to arbitrate and providing remedies, 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. 2191), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirmbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

Courtney

Fraise

Holveck

Larson

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 2191** 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 2265.

Senate File 2265

On motion of Senator Brunkhorst, **Senate File 2265**, a bill for an act relating to equitable rate regulation of wholesale and retail telephone services, including jurisdiction of the Iowa utilities board, written complaints filed with the utilities board regarding the reasonableness of an act of a public utility, provision of free directory assistance to blind consumers, and related provisions, with report of committee without recommendation, was taken up for consideration.

Senator Brunkhorst asked and received unanimous consent that action on **Senate File 2265** be **deferred**.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2265** be referred from the Unfinished Business Calendar to the committee on **Commerce**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2235.

Senate File 2235

On motion of Senator Redfern, **Senate File 2235**, a bill for an act establishing a uniform mediation Act, was taken up for consideration.

Senator Redfern offered amendment S-5047, filed by Senators Redfern and Kreiman from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5047 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. 2235), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirmbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|---------|--------|
| Courtney | Fraise | Holveck | Larson |
|----------|--------|---------|--------|

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 2235** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

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

ALSO: That the House has on March 8, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2201, a bill for an act providing for exemptions from massage therapy licensure requirements.

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

House File 2230, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box.

Read first time and **attached to companion Senate File 2155**.

House File 2319, a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

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

House File 2325, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal.

Read first time and **attached to companion Senate File 2145.**

BUSINESS PENDING

Senate File 2189

The Senate resumed consideration of **Senate File 2189**, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties, previously deferred.

Senator Kreiman offered amendment S-5048, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5048 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2189), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Horn | McKinley | Stewart |
| Boettger | Hosch | Miller | Tinsman |
| Bolkcom | Houser | Putney | Veenstra |
| Brunkhorst | Iverson | Quirmbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|---------|--------|
| Courtney | Fraise | Holveck | Larson |
|----------|--------|---------|--------|

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 2189** 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 2032.

Senate File 2032

On motion of Senator Putney, **Senate File 2032**, a bill for an act relating to bicycles on primary highways and providing a penalty, was taken up for consideration.

Senator Bolkom offered amendment S-5021, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkom asked and received unanimous consent that action on amendment S-5021 and **Senate File 2032** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Iverson, until he returns, on request of Senator Boettger.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Zieman asked and received unanimous consent to take up for consideration Senate File 2202.

Senate File 2202

On motion of Senator Boettger, **Senate File 2202**, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters, was taken up for consideration.

Senator Quirnbach offered amendment S-5046, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5046 lost by a voice vote.

Senator Boettger offered amendment S-5044, filed by Senators Boettger and Kreiman from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5044 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. 2202), the vote was:

Yeas, 41:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Hatch | McKibben | Sievers |
| Behn | Horn | McKinley | Stewart |
| Black | Hosch | Miller | Tinsman |
| Boettger | Houser | Putney | Veenstra |
| Bolkcom | Johnson | Ragan | Ward |
| Brunkhorst | Kettering | Redfern | Warnstadt |
| Dotzler | Kibbie | Rehberg | Wieck |
| Drake | Kreiman | Schuerer | Zieman |
| Dvorsky | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |
| Gronstal | McCoy | Shull | |

Nays, 4:

| | | | |
|-------|----------|---------|-----------|
| Beall | Connolly | Dearden | Quirnbach |
|-------|----------|---------|-----------|

Absent, 5:

| | | |
|----------|---------|--------|
| Courtney | Holveck | Larson |
| Fraise | Iverson | |

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

IMMEDIATELY MESSAGED

Senator Zieman asked and received unanimous consent that **Senate File 2202** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2327, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

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

House File 2328, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

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

House File 2340, a bill for an act relating to the temporary absence of an elected city official on active military duty and the appointment of a temporary replacement and providing an effective date.

Read first time and **attached to similar Senate File 2281**.

House File 2347, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective dates.

Read first time and **attached to companion Senate File 2157**.

House File 2350, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity,

family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

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

House File 2351, a bill for an act relating to enforcement of waste tire violations and providing a penalty.

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

House File 2358, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

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

House File 2367, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

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

House File 2373, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

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

House File 2378, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

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

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 4:02 p.m. until 8:30 a.m., Tuesday, March 9, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Jim Allison, St. Edmond High School, Fort Dodge—For receiving the 2004 2A North Central District Wrestling Coach of the Year Award. Senator Beall (3/5/04).

Zach Bates, Rockwell City-Lytton—For being named the 2004 2A 160-Pound State Wrestling Champion and earning 103 career wins. Senator Beall (3/5/04).

Ed Birnbaum, Fort Dodge—For receiving the 2004 3A State Wrestling Coach of the Year Award. Senator Beall (3/5/04).

Chase Holmgaard, Fort Dodge—For being named the 2004 3A 171-Pound State Wrestling Champion and earning 60 straight victories. Senator Beall (3/5/04).

Mr. and Mrs. Jim Jones, Des Moines—For celebrating your 60th wedding anniversary. Senator Holveck (4/1/04).

Katie Lautner, Jefferson-Scranton High School—For being a member of the 2004 Raccoon River Activities Conference Volleyball First Team All-Conference. Senator Beall (3/5/04).

Coach Mark Reiland and the Iowa City West High School Wrestling Team—For winning the Class 3A State Duals Championship. Senator Dvorsky (3/5/04).

GOVERNOR'S VETO LETTER

March 5, 2004

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

Dear President Lamberti:

I hereby transmit Senate File 2124, an Act relating to education funding, providing for the establishment of the state percent of growth for purposes of the state school foundation program, providing for allocations for textbook and supply acquisition, providing for a reduction in area education agency funding, making appropriations, and providing an applicability date.

The bill as drafted falls short of two percent allowable growth in fiscal year 2005 and underfunds the important Area Education Agencies. Students in Iowa schools will be ill served by only setting a two percent allowable growth rate for fiscal year 2006, capping the state aid available that may result in less than two percent growth,

reducing state aid to Area Education Agencies, and mandating expenditures for textbooks and supplies. The children, teachers, and families of Iowa deserve better than this. They deserve adequate resources so their schools can be the best they can be. They deserve education to be our top priority, because if it isn't, their future and our future as a state will suffer. The bill as drafted would lead to teacher layoffs, larger class sizes, and limited learning opportunities for our children.

The bill requires that \$10 million be allocated annually for textbooks and supplies from the amount each district receives for foundation aid. Local authorities should have the power to determine how to allocate limited resources, and school districts need additional resources in all areas, not just textbooks and supplies. This requirement usurps local districts' decision-making authority and priority setting.

Education is also Iowa's strongest asset for future economic growth. Education is what we use to sell and market this state when we encourage companies to locate here. Iowa's workforce is extremely productive because they are so well educated—if we do not act now to fund education adequately, we will erode our economic growth efforts to attract and retain high-skill, high-wage jobs.

I am unable to approve Senate File 2124. This bill changes the process of setting allowable growth by eliminating the requirement that the legislature act in the year preceding the budget year in which allowable growth is required. Moving the date so the rate is set six months before the start of the school year, rather than eighteen months, sends the signal that education is no longer a top priority.

After hearing from thousands of people, it is clear that Iowans want us to support education. Republicans in the legislature must not be listening to the same students, parents, teachers, and administrators I hear from every day. Iowans deserve better—they deserve to be heard.

For the above reasons, I hereby respectfully disapprove Senate File 2124. However, I stand ready to work with legislators to establish an allowable growth number for next year that truly reflects Iowa's commitment to educational excellence and complies with Iowa law.

Sincerely,
THOMAS J. VILSACK
Governor

INTRODUCTION OF RESOLUTIONS

Senate Resolution 126, by Kreiman, McKinley, and Johnson, a resolution honoring Robert K. Beck for his accomplishments in service to the people of Iowa as a civic leader, state legislator, and newspaperman.

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

Senate Resolution 127, by Rehberg, a resolution honoring University of Iowa football player Robert Gallery.

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

INTRODUCTION OF BILLS

Senate File 2268, by committee on Economic Growth, a bill for an act relating to the request for a regulatory analysis.

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

Senate File 2269, by committee on State Government, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

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

Senate File 2270, by committee on Local Government, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

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

Senate File 2271, by committee on Natural Resources and Environment, a bill for an act to establish an alternate energy incentive program in the utilities division of the department of commerce.

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

Senate File 2272, by committee on Judiciary, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

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

Senate File 2273, by committee on Judiciary, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

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

Senate File 2274, by committee on Judiciary, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

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

Senate File 2275, by committee on Judiciary, a bill for an act relating to criminal sentencing practice and procedure.

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

Senate File 2276, by committee on Judiciary, a bill for an act relating to inmate labor used on improvement projects at state institutions.

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

Senate File 2277, by committee on Natural Resources and Environment, a bill for an act relating to the creation of a rural resource development assistance program and fund.

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

Senate File 2278, by committee on Judiciary, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections.

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

Senate File 2279, by committee on State Government, a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

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

Senate File 2280, by committee on State Government, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

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

Senate File 2281, by committee on Local Government, a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

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

Senate File 2282, by committee on Natural Resources and Environment, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

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

Senate File 2283, by committee on State Government, a bill for an act relating to the regulation of pharmacy benefit managers and making appropriations.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 113

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 126

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: *SENATE FILE 2268 (SSB 3096), a bill for an act relating to the request for a regulatory analysis.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Rehberg, Shull, Boettger, McKinley, Putney, Seymour, Veenstra, and Ward. Nays, 5: Hatch, Beall, Dotzler, Ragan, and Stewart. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Economic Growth Committee on Senate File 2268, and they were attached to the committee report.

JUDICIARY

Bill Title: *SENATE FILE 2272 (SSB 1159), a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2272, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2273 (formerly SF 226), a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2273, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2274 (SSB 3144), a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2274, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2275 (SSB 3154), a bill for an act relating to criminal sentencing practice and procedure.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2275, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2276 (SSB 3118), a bill for an act relating to inmate labor used on improvement projects at state institutions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 8: Redfern, Kettering, Boettger, Brunkhorst, Gaskill, Miller, Tinsman, and Ward. Nays, 6: Kreiman, Fraise, Holveck, Horn, McCoy, and Quirmbach. Absent, 1: McKibben.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2278 (SSB 3153), a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on Senate File 2278, and they were attached to the committee report.

LOCAL GOVERNMENT

Bill Title: SENATE FILE 2115, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Seymour, and Stewart. Nays, 1: Kreiman. Absent, 2: McCoy and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2270 (SSB 3089), a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Kreiman, Seymour, and Stewart. Nays, none. Absent, 2: McCoy and Rehberg.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2281 (SSB 3043), a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hosch, Houser, Kettering, Kreiman, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Hatch and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Local Government Committee on Senate File 2281, and they were attached to the committee report.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: SENATE FILE 2271 (SSB 3141), a bill for an act to establish an alternate energy incentive program in the utilities division of the department of commerce.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, and Ziemann. Nays, none. Absent, 3: Black, Lundby, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2277 (SSB 3136), a bill for an act relating to the creation of a rural resource development assistance program and fund.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Ziemann. Nays, none. Absent, 2: Black and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2282 (formerly SF 2104), a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Houser, Johnson, Seng, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, and Miller. Nays, none. Absent, 4: Black, Lundby, Redfern, and Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Natural Resources and Environment Committee on Senate File 2282, and they were attached to the committee report.

STATE GOVERNMENT

Bill Title: SENATE FILE 2269 (SSB 3161), a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 5: Kibbie, Connolly, Courtney, Dearden, and Ragan. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *SENATE FILE 2279 (SSB 3160), a bill for an act relating to petition requirements for establishing a satellite absentee voting station.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 5: Kibbie, Connolly, Courtney, Dearden, and Ragan. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2279, and they were attached to the committee report.

ALSO:

Bill Title: *SENATE FILE 2280 (SSB 3125), a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 12: Zieman, Sievers, Kibbie, Courtney, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 2: Connolly and Dearden. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the State Government Committee on Senate File 2280, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2283 (SSB 3039), a bill for an act relating to the regulation of pharmacy benefit managers and making appropriations.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|---------------------------------------|
| S-5037 | S.F. | 2176 | Mike Connolly |
| S-5038 | S.F. | 2187 | Ron Wieck |
| S-5039 | S.F. | 2244 | Ron Wieck |
| S-5040 | S.F. | 2230 | Roger Stewart Steve Kettering |
| S-5041 | S.F. | 2143 | Dick L. Dearden |
| S-5042 | S.F. | 2188 | Doug Shull |
| S-5043 | S.F. | 2274 | Keith A. Kreiman |
| S-5044 | S.F. | 2202 | Nancy J. Boettger Keith A. Kreiman |
| S-5045 | S.F. | 2240 | John Putney |
| S-5046 | S.F. | 2202 | Herman C. Quirmbach |
| S-5047 | S.F. | 2235 | Donald B. Redfern Keith A. Kreiman |
| S-5048 | S.F. | 2189 | Keith A. Kreiman |
| S-5049 | S.F. | 2032 | William A. Dotzler, Jr. |
| S-5050 | S.F. | 2253 | Steve Warnstadt Mark Zieman |

JOURNAL OF THE SENATE

FIFTY-EIGHTH CALENDAR DAY
THIRTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 9, 2004

The Senate met in regular session at 8:34 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Catherine Quehl-Engel, chaplain of Cornell College in Mount Vernon, Iowa. She was the guest of Senator Dvorsky.

The Journal of Monday, March 8, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 124.

Senate Resolution 124

On motion of Senator Dvorsky, **Senate Resolution 124**, a resolution commemorating the sesquicentennial anniversary of Cornell College, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 124, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dvorsky welcomed to the Senate chamber Mr. Les Garner, President of Cornell College. Mr. Garner addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:46 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:48 a.m., President Pro Tempore Angelo presiding.

BILLS REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate Files 2180** and **2252** be referred from the Regular Calendar to the committee on **Ways and Means**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 8, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2397, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance.

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

House File 2399, a bill for an act allowing a modified criminal penalty for certain thefts within a seventy-two-hour time period.

Read first time and **attached to companion Senate File 2172**.

House File 2402, a bill for an act restricting executive branch authority to transfer appropriations between departments.

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

House File 2403, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date.

Read first time and **attached to companion Senate File 2241**.

House File 2419, a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

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

House File 2427, a bill for an act relating to investments in Iowa under the Iowa public employees' retirement system.

Read first time and referred to committee on **Economic Growth**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:05 a.m. until 11:00 a.m.

RECONVENED

The Senate reconvened at 11:01 a.m., President Lamberti presiding.

RECESS

On motion of Senator Zieman, the Senate recessed at 11:02 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:00 p.m., President Pro Tempore Angelo 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.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2177, 2193, and 2174.

Senate File 2177

On motion of Senator Ward, **Senate File 2177**, a bill for an act relating to the possession and self-administration of asthma medication by public and accredited nonpublic school students, was taken up for consideration.

Senator Ward offered amendment S-5057, filed by her from the floor to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment S-5057 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2177), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

President Lamberti took the chair at 1:32 p.m.

Senate File 2193

On motion of Senator Tinsman, **Senate File 2193**, a bill for an act relating to the civil commitment of sexually violent predators, 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. 2193), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2174

On motion of Senator Redfern, **Senate File 2174**, a bill for an act relating to the appointment of the ninth member of the state board of regents, 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. 2174), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2174, 2177, and 2193** 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 2217.

Senate File 2217

On motion of Senator Putney, **Senate File 2217**, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S-5060, filed by him from the floor to pages 4 and 5 of the bill, and moved its adoption.

Amendment S-5060 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2217), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2239 and 2199.

Senate File 2239

On motion of Senator Sievers, **Senate File 2239**, a bill for an act relating to certain protections for members and families of members of the Iowa national guard or United States reserve forces during military service, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2239), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2199

On motion of Senator Tinsman, **Senate File 2199**, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse, 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. 2199), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2199, 2217, and 2239** be **immediately messaged** to the House.

Senator Boettger took the chair at 2:15 p.m.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2244, 2167, and 2240.

Senate File 2244

On motion of Senator Wieck, **Senate File 2244**, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records, was taken up for consideration.

Senator Wieck offered amendment S-5039, filed by him on March 8, 2004, to page 4 of the bill, and moved its adoption.

Amendment S-5039 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2244), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2167

On motion of Senator Holveck, **Senate File 2167**, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts, was taken up for consideration.

Senator Holveck offered amendment S-5061, filed by him from the floor to page 11 of the bill, and moved its adoption.

Amendment S-5061 was adopted by a voice vote.

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. 2167), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

President Lamberti took the chair at 2:35 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Angelo, until he returns, on request of Senator Iverson.

Senate File 2240

On motion of Senator Putney, **Senate File 2240**, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings, was taken up for consideration.

Senator Putney offered amendment S-5045, filed by him on March 8, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5045 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2240), the vote was:

Yeas, 44:

| | | | |
|------------|-----------|-----------|-----------|
| Behn | Fraise | Lundby | Seng |
| Black | Gaskill | McCoy | Seymour |
| Boettger | Gronstal | McKibben | Shull |
| Bolkcom | Horn | McKinley | Sievers |
| Brunkhorst | Hosch | Miller | Stewart |
| Connolly | Houser | Putney | Tinsman |
| Courtney | Iverson | Quirmbach | Veenstra |
| Dearden | Johnson | Ragan | Ward |
| Dotzler | Kettering | Redfern | Warnstadt |
| Drake | Kibbie | Rehberg | Wieck |
| Dvorsky | Lamberti | Schuerer | Zieman |

Nays, 4:

| | | | |
|-------|-------|---------|---------|
| Beall | Hatch | Holveck | Kreiman |
|-------|-------|---------|---------|

Absent, 2:

| | |
|--------|--------|
| Angelo | Larson |
|--------|--------|

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 2167, 2240, and 2244** 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 2190.

Senate File 2190

On motion of Senator Tinsman, **Senate File 2190**, a bill for an act relating to the development of the long-term care system in Iowa, 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. 2190), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolutions 110 and 111.

Senate Concurrent Resolution 110

On motion of Senator Boettger, **Senate Concurrent Resolution 110**, a concurrent resolution providing for the formation of a committee by the Legislative Council to conduct a review of the school finance formula, was taken up for consideration.

Senator Boettger moved the adoption of Senate Concurrent Resolution 110, which motion prevailed by a voice vote.

Senate Concurrent Resolution 111

On motion of Senator Boettger, **Senate Concurrent Resolution 111**, a concurrent resolution requesting the Legislative Council to establish an interim study committee to examine the costs and benefits of Iowa joining the Midwestern Higher Education Compact, was taken up for consideration.

Senator Boettger offered amendment S-5053, filed by her from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5053 was adopted by a voice vote.

Senator Boettger moved the adoption of Senate Concurrent Resolution 111, as amended, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Concurrent Resolutions 110 and 111 and Senate File 2190** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2170, a bill for an act relating to product liability actions.

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

House File 2243, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

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

House File 2262, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates.

Read first time and **attached to similar Senate File 2078**.

House File 2270, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property.

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

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 3:15 p.m. until 8:30 a.m., Wednesday, March 10, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Corlis D. Boylan, Waterloo—For celebrating your 90th birthday on March 13, 2004. Senator Dotzler (3/13/04).

Walter Holtzman, Waterloo—For celebrating your 95th birthday on April 3, 2004. Senator Beall (4/3/04).

Alma Joilfs, Pomeroy—For celebrating your 90th birthday on March 15, 2004. Senator Beall (3/15/04).

David J. Llewellyn, St. Charles—For achieving the rank of Eagle Scout, Boy Scout Troop 212. Senator Shull (3/9/04).

Emma “Dixie” Schaffer, Waterloo—For celebrating your 90th birthday on March 15, 2004. Senator Dotzler (3/15/04).

Russell Weakley, Fort Madison—For winning the 103-Pound State Wrestling Championship. Senator Fraise (2/28/04).

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 9, 2004, 10:05 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Miller, Redfern, and Zieman.

Members Absent: Lundby (excused).

Committee Business: Presentation regarding the Iowa Lakes Association.

Adjourned: 10:55 a.m.

RULES AND ADMINISTRATION

Convened: March 9, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Gronstal, Ranking Member; Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Lamberti, Vice Chair; Boettger, and Dvorsky (all excused).

Committee Business: Passed SCR 113 and SR 126.

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 128, by Sievers and Stewart, a resolution honoring Eastern Iowa Community College Men’s Basketball Coach Bob Walker.

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

STUDY BILL RECEIVED

SSB 3162 Ways and Means

Updating the Iowa Code references to the Internal Revenue Code, decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2180

WAYS AND MEANS: Miller, Chair; Angelo and Quirmbach

Senate File 2212

JUDICIARY: Kettering, Chair; Holveck and Tinsman

Senate File 2225

STATE GOVERNMENT: Johnson, Chair; Ragan and Ward

Senate File 2232

WAYS AND MEANS: Miller, Chair; Connolly and Rehberg

Senate File 2238

WAYS AND MEANS: Shull, Chair; Connolly and Sievers

Senate File 2242

WAYS AND MEANS: Miller, Chair; McKinley and Quirmbach

Senate File 2252

WAYS AND MEANS: Shull, Chair; Bolkcom and Putney

Senate File 2265

COMMERCE: Brunkhorst, Chair; Behn, Bolkcom, Putney, and Warnstadt

House File 2351

NATURAL RESOURCES AND ENVIRONMENT: Brunkhorst, Chair; Miller and Seng

House File 2367

WAYS AND MEANS: Miller, Chair; McKinley and Quirnbach

House File 2427

ECONOMIC GROWTH: Shull, Chair; Hatch and Seymour

SSB 3162

WAYS AND MEANS: Rehberg, Chair; McKinley and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 113, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Gronstal, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 3: Lamberti, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 126, a resolution honoring Robert K. Beck for his accomplishments in service to the people of Iowa as a civic leader, state legislator, and newspaperman.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Gronstal, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 3: Lamberti, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. 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":

Harvey Siegelman – Grow Iowa Values Review Commission

KITTY REHBERG

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 8, 2004, when the votes were taken on Senate Files 2119, 2148, 2166, 2187, 2189, 2191, 2202, 2230, and 2235. Had I been present, I would have voted "Yea" on all.

THOMAS G. COURTNEY

AMENDMENTS FILED

| | | | |
|--------|--------|------|--------------------------------------|
| S-5051 | S.F. | 2163 | Neal Schuerer |
| S-5052 | H.F. | 2150 | Larry McKibben |
| S-5053 | S.C.R. | 111 | Nancy J. Boettger |
| S-5054 | S.F. | 2213 | Steve Warnstadt |
| S-5055 | S.F. | 2180 | David Miller |
| S-5056 | S.F. | 2183 | Neal Schuerer |
| S-5057 | S.F. | 2177 | Pat Ward |
| S-5058 | S.F. | 2144 | John P. Kibbie |
| S-5059 | S.F. | 2100 | Larry McKibben |
| S-5060 | S.F. | 2217 | John P. Kibbie |
| S-5061 | S.F. | 2167 | Jack Holveck |
| S-5062 | S.F. | 2149 | Mark Ziemann Gene Fraise |
| S-5063 | H.F. | 2399 | Bob Brunkhorst Keith A. Kreiman |
| S-5064 | S.F. | 2197 | Steve Warnstadt |
| S-5065 | S.F. | 2032 | William A. Dotzler, Jr. |
| S-5066 | S.F. | 2154 | Herman C. Quirnbach Matt W. McCoy |

JOURNAL OF THE SENATE

FIFTY-NINTH CALENDAR DAY
THIRTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 10, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Amy Miracle, senior pastor of the Westminster Presbyterian Church in Des Moines, Iowa. She was the guest of Senator Holveck.

The Journal of Tuesday, March 9, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 117.

Senate Resolution 117

On motion of Senator Dvorsky, **Senate Resolution 117**, a resolution honoring Dr. Norm Nielsen, President of Kirkwood Community College, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 117, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dvorsky welcomed to the Senate chamber Dr. Norm Nielsen, President of Kirkwood Community College. Dr. Nielsen addressed the chamber with brief remarks.

The Senate rose and expressed its welcome.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 9, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2304, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance.

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

House File 2306, a bill for an act relating to fees charged for delayed redemption of electronic gift cards.

Read first time and **attached to companion Senate File 2231**.

House File 2341, a bill for an act allowing off-duty, out-of-state, and retired peace officers to carry weapons.

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

House File 2343, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date.

Read first time and **attached to similar Senate File 2146**.

House File 2366, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

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

House File 2392, a bill for an act relating to controlled burns of demolished buildings conducted by certain cities.

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

House File 2393, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

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

House File 2394, a bill for an act relating to driver education by a teaching parent.

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

House File 2396, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

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

House File 2398, a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

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

House File 2401, a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

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

House File 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

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

House File 2447, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date.

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

House File 2451, a bill for an act relating to stormwater discharge permits issued by the department of natural resources.

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

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

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

SPECIAL PRESENTATION TO SENATE PAGE

Senate Page Theresa Bittner was invited to the well of the Senate for a special presentation and thanked by Senators Iverson and Gronstal for her service to the Senate.

A Certificate of Excellence for serving with honor and distinction as a Senate Page during the 2004 Regular Session of the Eightieth General Assembly was presented to her.

The Senate rose and expressed its appreciation.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Houser and Lundby, until they return, on request of Senator Iverson.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2253, 2266, and 2188.

Senate File 2253

On motion of Senator Zieman, **Senate File 2253**, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties, was taken up for consideration.

Senator Warnstadt offered amendment S-5050, filed by Senators Warnstadt and Zieman on March 8, 2004, to page 4 of the bill, and moved its adoption.

Amendment S-5050 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?" (S.F. 2253), the vote was:

Yeas, 36:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Horn | McKinley | Shull |
| Beall | Hosch | Miller | Sievers |
| Behn | Iverson | Putney | Stewart |
| Black | Johnson | Ragan | Tinsman |
| Boettger | Kettering | Redfern | Veenstra |
| Brunkhorst | Kibbie | Rehberg | Ward |
| Drake | Kreiman | Schuerer | Warnstadt |
| Gaskill | Lamberti | Seng | Wieck |
| Gronstal | McKibben | Seymour | Zieman |

Nays, 11:

| | | | |
|----------|---------|---------|-----------|
| Bolkcom | Dearden | Fraise | McCoy |
| Connolly | Dotzler | Hatch | Quirmbach |
| Courtney | Dvorsky | Holveck | |

Absent, 3:

| | | |
|--------|--------|--------|
| Houser | Larson | Lundby |
|--------|--------|--------|

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

Senate File 2266

On motion of Senator Kettering, **Senate File 2266**, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2266), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Bolkcom | Holveck | Miller | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|--------|--------|
| Houser | Larson | Lundby |
|--------|--------|--------|

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

Senate File 2188

On motion of Senator Shull, **Senate File 2188**, 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 Shull offered amendment S-5042, filed by him on March 8, 2004, to page 4 of the bill, and moved its adoption.

Amendment S-5042 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2188), the vote was:

Yeas, 48:

| | | | |
|----------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Beall | Gaskill | Lamberti | Seng |
| Behn | Gronstal | Lundby | Seymour |
| Black | Hatch | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |
| Dvorsky | Kibbie | Rehberg | Zieman |

Nays, 1:

Brunkhorst

Absent, 1:

Larson

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 2188, 2253, and 2266** 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 2173, 2208, and 2224.

Senate File 2173

On motion of Senator Schuerer, **Senate File 2173**, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5070, filed by him from the floor to pages 1, 2, and 5 of the bill, and moved its adoption.

Amendment S-5070 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2173), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | McCoy | Shull |
| Black | Hatch | McKibben | Sievers |
| Boettger | Holveck | McKinley | Stewart |
| Bolkcom | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Cannolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, 2:

| | |
|---------|--------|
| Dotzler | Lundby |
|---------|--------|

Absent, 1:

Larson

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

Senate File 2208

On motion of Senator Johnson, **Senate File 2208**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, 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. 2208), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2224

On motion of Senator Kibbie, **Senate File 2224**, a bill for an act relating to grain regulation, was taken up for consideration.

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. 2224), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2173, 2208, and 2224** 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 2175, 2261, and 2149.

Senate File 2175

On motion of Senator McKibben, **Senate File 2175**, a bill for an act relating to the provision of workers' compensation benefits, to the release of information concerning such benefits, and to workers' compensation liability insurance, was taken up for consideration.

Senator McKibben offered amendment S-5033, filed by him on March 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5033 was adopted by a voice vote.

Senator McKibben withdrew amendment S-5032, filed by him on February 26, 2004, to page 1 of the bill.

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

On the question "Shall the bill pass?" (S.F. 2175), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2261

On motion of Senator Kettering, **Senate File 2261**, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit, was taken up for consideration.

Senator Kettering offered amendment S-5068, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5068 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2261), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2149

On motion of Senator Zieman, **Senate File 2149**, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffle, was taken up for consideration.

Senator McKibben took the chair at 11:20 a.m.

Senator Fraise offered amendment S-5062, filed by Senators Zieman and Fraise on March 9, 2004, to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5062 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?" (S.F. 2149), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Lamberti | Seng |
| Beall | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Bolkcom | Horn | Miller | Ward |
| Brunkhorst | Hosch | Putney | Warnstadt |
| Connolly | Houser | Quirnbach | Wieck |
| Courtney | Iverson | Ragan | Zieman |
| Dearden | Johnson | Redfern | |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |

Nays, 4:

| | | | |
|---------|---------|---------|----------|
| Holveck | Kreiman | Tinsman | Veenstra |
|---------|---------|---------|----------|

Absent, 1:

Larson

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 2149, 2175, and 2261** 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 2183.

Senate File 2183

On motion of Senator Schuerer, **Senate File 2183**, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5056, filed by him on March 9, 2004, to page 5 of the bill, and moved its adoption.

Amendment S-5056 was adopted by a voice vote.

Senator Holveck asked and received unanimous consent that action on **Senate File 2183** be **deferred**.

RECESS

On motion of Senator Veenstra, the Senate recessed at 12:33 p.m. until 4:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Jordon McLaughlin, Belmond—For winning the 189-Pound First Place State Title in wrestling and earning a 39–0 season record. Senator Iverson (3/10/04).

Kelly Pierce, Waukee—For winning First Place among eighth and ninth graders in the Women in Science and Engineering Essay Competition. Senator Behn (3/11/04).

Mae Ryan, Greenfield—For celebrating your 100th birthday on March 13, 2004. Senator Angelo (3/13/04).

Kathryn Skilton, Nashua—For winning First Place among eighth and ninth graders in the Write Women Back Into History Essay Competition. Senator Behn (3/11/04).

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: March 10, 2004, 2:10 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Hosch, Kreiman, McKinley, and Tinsman.

Members Absent: Horn and Schuerer (both excused).

Committee Business: Presentation on faith-based initiatives.

Adjourned: 3:00 p.m.

WAYS AND MEANS

Convened: March 10, 2004, 1:10 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Connolly, Dotzler, Hosch, McKinley, Miller, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Angelo, McCoy, and Putney (all excused).

Committee Business: Passed SFs 2180, 2238, and 2252, and HF 2367. Approved SSB 3162.

Adjourned: 1:25 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 129, by Iverson, a resolution to recognize Technical Sergeant Brian Dutcher of the Iowa Air National Guard and his employer, Iowa Select Farms, for their receipt of the George W. Bush Award.

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

INTRODUCTION OF BILLS

Senate File 2284, by committee on Ways and Means, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

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

Senate File 2285, by committee on Ways and Means, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

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

Senate File 2286, by committee on Ways and Means, a bill for an act updating the Iowa Code references to the Internal Revenue Code, decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

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

STUDY BILLS RECEIVED**SSB 3163 Government Oversight**

Providing for the appointment of the secretary of agriculture.

SSB 3164 Ways and Means

Relating to tax incentives for the purchase of certain methods of health coverage and including applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 127**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 128

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2194

APPROPRIATIONS: Zieman, Chair; Angelo and Seng

Senate File 2219

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Brunkhorst and Wieck

Senate File 2220

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

Senate File 2250

APPROPRIATIONS: Warnstadt, Chair; Angelo and Lamberti

House Joint Resolution 2005

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House Concurrent Resolution 112

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 250
(Reassignment)

JUDICIARY: Ward, Chair; Boettger and Fraise

House File 2201

STATE GOVERNMENT: Ward, Chair; Connolly and Shull

House File 2243

COMMERCE: Sievers, Chair; Beall and Schuerer

House File 2319

STATE GOVERNMENT: Sievers, Chair; Kibbie and Tinsman

House File 2373

COMMERCE: Putney, Chair; Beall and Wieck

House File 2402

STATE GOVERNMENT: Schuerer, Chair; Black and Zieman

SSB 3163

GOVERNMENT OVERSIGHT: Lundby, Chair; Courtney and Wieck

SSB 3164

WAYS AND MEANS: Wieck, Chair; Miller and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2284 (formerly SF 2252), a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2285 (formerly SF 2238), a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2286 (SSB 3162), a bill for an act updating the Iowa Code references to the Internal Revenue Code, decoupling with the Internal Revenue Code for a certain bonus depreciation provision, and providing retroactive applicability dates and an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2367, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:06 p.m., President Lamberti presiding.

The Senate stood at ease at 4:07 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:02 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 10, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2390, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability.

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

House File 2404, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

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

House File 2431, a bill for an act relating to educational institutions under the university-based research utilization program.

Read first time and referred to committee on **Economic Growth**.

House File 2440, a bill for an act relating to awards of noneconomic damages against health care providers.

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

House File 2459, a bill for an act relating to residency qualifications for purposes of postsecondary tuition and fees paid at public institutions of higher education in this state.

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

House File 2460, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Sievers.

BUSINESS PENDING

Senate File 2183

The Senate resumed consideration of **Senate File 2183**, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, previously deferred.

Senator Schuerer offered amendment S-5081, filed by him from the floor to pages 3 and 4 of the bill, and asked and received unanimous consent that action on amendment S-5081 be deferred.

Senator Quirnbach offered amendment S-5083, filed by him from the floor to pages 3-5 of the bill, and moved its adoption.

Amendment S-5083 lost by a voice vote.

The Senate resumed consideration of amendment S-5081, previously deferred.

Senator Schuerer moved the adoption of amendment S-5081, which motion prevailed by a voice vote.

President Pro Tempore Angelo took the chair at 5:11 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?" (S.F. 2183), the vote was:

Yeas, 33:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Horn | McKibben | Tinsman |
| Beall | Hosch | McKinley | Veenstra |
| Behn | Houser | Miller | Ward |
| Black | Iverson | Putney | Warnstadt |
| Boettger | Johnson | Rehberg | Wick |
| Brunkhorst | Kettering | Schuerer | Zieman |
| Drake | Kibbie | Seymour | |
| Gaskill | Lamberti | Shull | |
| Gronstal | Lundby | Sievers | |

Nays, 15:

| | | | |
|----------|---------|-----------|---------|
| Bolkcom | Dotzler | Holveck | Ragan |
| Connolly | Dvorsky | Kreiman | Seng |
| Courtney | Fraise | McCoy | Stewart |
| Dearden | Hatch | Quirnbach | |

Absent, 2:

| | |
|--------|---------|
| Larson | 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 2183** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:25 p.m. until 8:30 a.m., Thursday, March 11, 2004.

APPENDIX — 2

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: March 10, 2004, 3:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: Black (excused).

Committee Business: Passed SF 2194 and approved SSBs 3053 and 3075.

Adjourned: 3:40 p.m.

INTRODUCTION OF BILLS

Senate File 2287, by committee on Appropriations, a bill for an act providing bonding authorization to the state board of regents for specific capital projects.

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

Senate File 2288, 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.**

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 129

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2194 (SSB 3110), a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza.

Recommendation: DO PASS.

Final Vote: Ayes, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2287 (SSB 3075), a bill for an act providing bonding authorization to the state board of regents for specific capital projects.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2288 (SSB 3053), 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, 24: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|----------------------------------|
| S-5067 | S.F. | 2100 | Herman C. Quirnbach |
| S-5068 | S.F. | 2261 | Steve Kettering |
| S-5069 | S.F. | 2179 | Mark Zieman |
| S-5070 | S.F. | 2173 | Neal Schuerer |
| S-5071 | S.F. | 2078 | Mark Zieman |
| S-5072 | S.F. | 2232 | Steve Warnstadt |
| S-5073 | S.F. | 2243 | Donald B. Redfern |
| S-5074 | S.F. | 2044 | Maggie Tinsman |
| S-5075 | S.F. | 2279 | Mark Zieman |
| S-5076 | S.F. | 2283 | Mark Zieman |
| S-5077 | S.F. | 2176 | Matt W. McCoy |
| S-5078 | S.F. | 2259 | Maggie Tinsman |
| S-5079 | S.F. | 2176 | Jack Holveck Keith A. Kreiman |
| S-5080 | S.F. | 2247 | Mary Lundby |
| S-5081 | S.F. | 2183 | Neal Schuerer |
| S-5082 | S.F. | 2251 | Doug Shull |
| S-5083 | S.F. | 2183 | Herman C. Quirnbach |

JOURNAL OF THE SENATE

SIXTIETH CALENDAR DAY
THIRTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 11, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend David Splett, pastor of St. Paul Lutheran Church in Eldora, Iowa. He was the guest of Senator McKibben.

The Journal of Wednesday, March 10, 2004, was approved.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 106.

Senate Concurrent Resolution 106

On motion of Senator Tinsman, **Senate Concurrent Resolution 106**, a concurrent resolution designating March 2004 as Iowa Women's History Month, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 8:40 a.m.

Senator Tinsman moved the adoption of Senate Concurrent Resolution 106, which motion prevailed by a voice vote.

SPECIAL GUESTS

In celebration of Women's History Month, Senators Holveck and Tinsman welcomed student winners of the 20th Annual "Write Women Back Into History" Essay Contest to the Senate chamber. The contest is sponsored by the Iowa Commission on the Status of Women, the Iowa Department of Education, and the State Historical Society of Iowa. Approximately 2,250 students participated in the contest statewide.

Sixth and Seventh Grades:

First Place: Rachel Evans of Urbandale Middle School.

Second Place: Tausha Vannatta of Parkview Middle School in Ankeny.

Third Place: Lauren Ehrler of Andrew Community Schools.

Eighth and Ninth Grades:

First Place: Kathryn Skilton of Nashua-Plainfield Middle School.

Second Place: Jessie Stumme of Central Academy in Des Moines.

Best Essays on Women in Science and Engineering for Sixth and Seventh Grades:

First Place: Ryan Hupp of Prairie Middle School in Cedar Rapids.

Best Essays on Women in Science and Engineering for Eighth and Ninth Grades:

First Place: Kelly Pierce of Waukee Middle School.

Second Place: Alex Hedrick of Wilson Junior High School in Council Bluffs.

Edith Rose Murphy Sackett Award for the Best Essay on a Woman Volunteer:

Anna McNulty of Merrill Middle School in Des Moines.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 106** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 120.

Senate Resolution 120

On motion of Senator Redfern, **Senate Resolution 120**, a resolution to honor the First Judicial District Department of Correctional Services for receiving the exemplary offender program award, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 120, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 107.

Senate Concurrent Resolution 107

On motion of Senator Rehberg, **Senate Concurrent Resolution 107**, a concurrent resolution urging the Congress of the United States to enact the Housing Bond and Credit Modernization and Fairness Act, was taken up for consideration.

Senator Rehberg moved the adoption of Senate Concurrent Resolution 107, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 107** be **immediately messaged** to the House.

BILLS REFERRED TO COMMITTEE

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

| | |
|-----------|----------------|
| S.F. 2115 | Ways and Means |
| S.F. 2214 | Ways and Means |
| S.F. 2283 | Appropriations |

RECESS

On motion of Senator Iverson, the Senate recessed at 8:55 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:58 a.m., President Lamberti presiding.

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

The Senate resumed session at 9:59 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 113.

Senate Resolution 113

On motion of Senator Iverson, **Senate Resolution 113**, a resolution honoring former Senator David O. Shaff, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 113, which motion prevailed by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Horn, for the day, on request of Senator Bolcom.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2249 and 2247.

Senate File 2249

On motion of Senator Miller, **Senate File 2249**, a bill for an act regulating contest events involving animals, and providing a penalty and 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. 2249), the vote was:

Yeas, 48:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolcom | Holveck | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |

| | | | |
|---------|-----------|---------|-----------|
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|------|--------|
| Horn | Larson |
|------|--------|

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

Senate File 2247

On motion of Senator Shull, **Senate File 2247**, a bill for an act creating a special combat infantry motor vehicle registration plate and a special combat field medical motor vehicle registration plate and providing an effective date, was taken up for consideration.

Senator Lundby offered amendment S-5080, filed by her on March 10, 2004, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5080 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2247), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

Horn

Larson

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 2247** and **2249** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 108.

Senate Concurrent Resolution 108

On motion of Senator Quirnbach, **Senate Concurrent Resolution 108**, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of Senate Concurrent Resolution 108, 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 2272.

Senate File 2272

On motion of Senator Redfern, **Senate File 2272**, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2272), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|------|--------|
| Horn | Larson |
|------|--------|

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 108** and **Senate File 2272** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator McKibben.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2246.

Senate File 2246

On motion of Senator McKinley, **Senate File 2246**, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability, was taken up for consideration.

Senator McKinley offered amendment S-5084, filed by him from the floor to page 1 of the bill.

Senator Boettger took the chair at 11:45 a.m.

Senator McKinley asked and received unanimous consent that action on amendment S-5084 be deferred.

Senator Connolly offered amendment S-5088, filed by Senator Connolly, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5088 be adopted?" (S.F. 2246), the vote was:

Yeas, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | Quirnbach |
| Black | Dotzler | Holveck | Ragan |
| Bolkcom | Dvorsky | Kibbie | Seng |
| Connolly | Fraise | Kreiman | Stewart |
| Courtney | Gronstal | McCoy | Warnstadt |

Nays, 27:

| | | | |
|--------|---------|--------|---------|
| Angelo | Iverson | Miller | Sievers |
| Behn | Johnson | Putney | Tinsman |

| | | | |
|------------|-----------|----------|----------|
| Boettger | Kettering | Redfern | Veenstra |
| Brunkhorst | Lamberti | Rehberg | Ward |
| Drake | Lundby | Schuerer | Wieck |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Absent, 3:

| | | |
|------|--------|--------|
| Horn | Houser | Larson |
|------|--------|--------|

Amendment S-5088 lost.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5087 filed by Senator Connolly, et al., from the floor to pages 1-5 and to the title page of the bill.

The Senate resumed consideration of amendment S-5084, previously deferred.

Senator McKinley offered amendment S-5086, filed by Senators McKinley and Connolly from the floor to page 1 of amendment S-5084, and moved its adoption.

Amendment S-5086 was adopted by a voice vote.

Senator McKinley moved the adoption of amendment S-5084, as amended.

Amendment S-5084 was adopted by a voice vote.

Senator Gronstal asked unanimous consent that action on Senate File 2246 be deferred.

Senator Gronstal withdrew his request to defer.

President Lamberti took the chair at 12:55 p.m.

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. 2246), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Kibbie | Seng |
| Black | Dvorsky | Kreiman | Stewart |
| Bolkcom | Fraise | Lundby | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 2:

| | |
|------|--------|
| Horn | Larson |
|------|--------|

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 2246** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 106, a concurrent resolution designating March 2004 as Iowa Women's History Month.

ALSO: That the House has on March 11, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 511, a bill for an act relating to the training and certification of designated security personnel working at commercial establishments with a liquor control license or wine or beer permit.

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

House File 2145, a bill for an act relating to membership on certain city planning and zoning commissions.

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

House File 2383, a bill for an act relating to rural improvement zones.

Read first time and referred to committee on **Economic Growth**.

House File 2452, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

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

House File 2467, a bill for an act relating to the quorum requirement for the LowAccess advisory council.

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

House File 2468, a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

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

House File 2490, a bill for an act relating to the uniform electronic transactions Act.

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

House File 2538, a bill for an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 1:13 p.m. until 1:00 p.m., Monday, March 15, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Ken Anderson, Marshalltown—For being named the Iowa Chamber Executive of the Year. Senator McKibben (3/11/04).

Stephanie Collins, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Loretta Davis, Oelwein—For celebrating your 95th birthday on March 9, 2004. Senator Rehberg (3/9/04).

Ashley Fangman, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Amy Pieper, Marshalltown—For being named the Up and Coming Chamber Professional in Iowa. Senator McKibben (3/11/04).

Shannon Rodenberg, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

Molly Zapf, Elkader—For achieving the highest award for Senior Girl Scouts, “The Gold Award.” Senator Rehberg (3/28/04).

BILL ATTACHED

President Lamberti announced that **House File 2440** was attached to similar Senate File 2236.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 11, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 127, 128, and 129, and HJR 2005.

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 130, by Dearden and McKinley, a resolution honoring Haley Dunn.

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

INTRODUCTION OF BILL

Senate File 2289, by committee on Ways and Means, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

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

STUDY BILL RECEIVED

SSB 3165 **Commerce**

Nullifying an administrative rule of the insurance division of the department of commerce concerning the consideration of diminished value as an additional measure of damages in settlement of automobile insurance claims and providing an effective date.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2115

WAYS AND MEANS: Miller, Chair; Quirnbach and Shull

Senate File 2214

WAYS AND MEANS: Rehberg, Chair; Dotzler and Shull

House File 511

STATE GOVERNMENT: Shull, Chair; Ragan and Tinsman

House File 2170

JUDICIARY: Ward, Chair; Horn and McKibben

House File 2327

HUMAN RESOURCES: Seymour, Chair; Ragan and Veenstra

House File 2328

HUMAN RESOURCES: Tinsman, Chair; Horn and Hosch

House File 2341

JUDICIARY: Kettering, Chair; Fraise and Ward

House File 2350

HUMAN RESOURCES: Behn, Chair; Kreiman and Veenstra

House File 2358

HUMAN RESOURCES: Hosch, Chair; Hatch and Seymour

House File 2366

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Miller and Zieman

House File 2378

HUMAN RESOURCES: Tinsman, Chair; Holveck and McKinley

House File 2390

HUMAN RESOURCES: Veenstra, Chair; Horn and Tinsman

House File 2393

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

House File 2396

JUDICIARY: Tinsman, Chair; Kreiman and Miller

House File 2397

JUDICIARY: Gaskill, Chair; Boettger and McCoy

House File 2398

JUDICIARY: Brunkhorst, Chair; Holveck and Tinsman

House File 2401

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Bolcom and Kettering

House File 2404

STATE GOVERNMENT: Shull, Chair; Dearden and Ward

House File 2431

ECONOMIC GROWTH: Seymour, Chair; Hatch and Putney

House File 2452

STATE GOVERNMENT: Sievers, Chair; Courtney and Shull

SSB 3165

COMMERCE: Wieck, Chair; Putney and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 127, a resolution honoring University of Iowa football player Robert Gallery.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 128, a resolution honoring Eastern Iowa Community College Men's Basketball Coach Bob Walker.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 129, a resolution to recognize Technical Sergeant Brian Dutcher of the Iowa Air National Guard and his employer, Iowa Select Farms, for their receipt of the George W. Bush Award.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE JOINT RESOLUTION 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 2289 (formerly SF 2180), a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Miller, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 3: Angelo, McCoy, and Putney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2289, and they were attached to the committee report.

AMENDMENTS FILED

| | | | |
|--------|------|------|---------------------|
| S-5084 | S.F. | 2246 | Paul McKinley |
| S-5085 | H.F. | 2440 | John Putney |
| | | | David Johnson |
| S-5086 | S.F. | 2246 | Paul McKinley |
| | | | Mike Connolly |
| S-5087 | S.F. | 2246 | Mike Connolly |
| | | | Robert E. Dvorsky |
| | | | Joe Bolkcom |
| | | | Gene Fraise |
| | | | John P. Kibbie |
| | | | Keith A. Kreiman |
| | | | Jack Holveck |
| | | | Jack Hatch |
| | | | Joe M. Seng |
| | | | Dick L. Dearden |
| | | | Matt W. McCoy |
| | | | Herman C. Quirnbach |
| | | | Thomas G. Courtney |
| | | | Steve Warnstadt |
| | | | Daryl Beall |
| S-5088 | S.F. | 2246 | Mike Connolly |
| | | | Daryl Beall |
| | | | John P. Kibbie |
| | | | Gene Fraise |
| | | | Michael E. Gronstal |
| | | | Steve Warnstadt |
| | | | Matt W. McCoy |
| | | | Keith A. Kreiman |
| | | | Herman C. Quirnbach |
| | | | Roger Stewart |
| | | | Thomas G. Courtney |
| S-5089 | S.F. | 2237 | Bob Brunkhorst |
| | | | Daryl Beall |

JOURNAL OF THE SENATE

SIXTY-FOURTH CALENDAR DAY
THIRTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 15, 2004

The Senate met in regular session at 1:06 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Dan French, pastor of the Davis Street Christian Church in Ottumwa, Iowa. He was the guest of Senator Kreiman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Krista Kreiman and Marguerite Moeller.

The Journal of Thursday, March 11, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:12 p.m. until 3:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:34 p.m., President Lamberti presiding.

The Senate stood at ease at 3:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:00 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 11, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2476, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties.

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

House File 2480, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

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

House File 2481, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

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

House File 2496, a bill for an act relating to the use of titles pertaining to physical therapy and providing a penalty.

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

House File 2497, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

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

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2057.

Senate File 2057

On motion of Senator Lundby, **Senate File 2057**, a bill for an act requiring the lottery authority to submit budget information to the legislature, was taken up for consideration.

Senator Lundby asked and received unanimous consent that **House File 2133** be **substituted** for **Senate File 2057**.

House File 2133

On motion of Senator Lundby, **House File 2133**, a bill for an act requiring the lottery authority to submit budget information to the legislature, 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?" (H.F. 2133), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2057** 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 2172.

Senate File 2172

On motion of Senator Brunkhorst, **Senate File 2172**, a bill for an act modifying the criminal penalty for certain thefts within a seventy-two-hour time period, was taken up for consideration.

Senator Brunkhorst asked and received unanimous consent that **House File 2399** be **substituted** for **Senate File 2172**.

House File 2399

On motion of Senator Brunkhorst, **House File 2399**, a bill for an act modifying the criminal penalty for certain thefts within a seventy-two-hour time period, was taken up for consideration.

Senator Brunkhorst offered amendment S-5063, filed by Senators Brunkhorst and Kreiman on March 9, 2004, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5063 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2399), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Iverson asked and received unanimous consent that **Senate File 2172** 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 2231.

Senate File 2231

On motion of Senator Sievers, **Senate File 2231**, a bill for an act relating to fees charged for delayed redemption of electronic gift cards, was taken up for consideration.

Senator Sievers asked and received unanimous consent that **House File 2306** be **substituted** for **Senate File 2231**.

House File 2306

On motion of Senator Sievers, **House File 2306**, a bill for an act relating to fees charged for delayed redemption of electronic gift cards, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2306), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Sievers asked and received unanimous consent that **Senate File 2231** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2133, 2306, and 2399** 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 2146.

Senate File 2146

On motion of Senator Fraise, **Senate File 2146**, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date, was taken up for consideration.

Senator Fraise asked and received unanimous consent that action on **Senate File 2146** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2147.

Senate File 2147

On motion of Senator Boettger, **Senate File 2147**, a bill for an act relating to abandonment of a child as grounds for termination of parental rights, was taken up for consideration.

Senator Boettger asked and received unanimous consent that **House File 2176** be **substituted** for **Senate File 2147**.

House File 2176

On motion of Senator Boettger, **House File 2176**, a bill for an act relating to abandonment of a child as grounds for termination of parental rights, 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. 2176), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2147** 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 2278.

Senate File 2278

On motion of Senator Miller, **Senate File 2278**, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, was taken up for consideration.

Senator Miller offered amendment S-5092, filed by him from the floor to pages 1-3, 5, and to the title page of the bill, and moved its adoption.

Amendment S-5092 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?" (S.F. 2278), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

BUSINESS PENDING

Senate File 2146

The Senate resumed consideration of **Senate File 2146**, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date, previously deferred.

Senator Gaskill offered amendment S-5093, filed by him from the floor to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5093 was adopted by a voice vote.

Senator Fraise asked and received unanimous consent that **House File 2343** be **substituted** for **Senate File 2146**.

House File 2343

On motion of Senator Fraise, **House File 2343**, a bill for an act providing for the establishment of a vaccination program for first responders, and providing an immediate effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2343), the vote was:

Yeas, 48:

Angelo
Beall

Dvorsky
Fraise

Kibbie
Kreiman

Schuerer
Seng

| | | | |
|------------|-----------|-----------|-----------|
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Redfern

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

WITHDRAWN

Senator Fraise asked and received unanimous consent that **Senate File 2146** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2278** and **House Files 2176** and **2343** 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 2100.

Senate File 2100

On motion of Senator McKibben, **Senate File 2100**, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty, was taken up for consideration.

Senator McKibben offered amendment S-5015, filed by him on February 19, 2004, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5015 was adopted by a voice vote.

Senator McKibben withdrew amendment S-5059, filed by him on March 9, 2004, to page 1 of the bill.

Senator Quirnbach withdrew amendment S-5067, filed by him on March 10, 2004, to page 1 of the bill.

Senator McKibben asked and received unanimous consent that **House File 2150** be **substituted** for **Senate File 2100**.

House File 2150

On motion of Senator McKibben, **House File 2150**, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or possession violation occurs and providing a penalty, was taken up for consideration.

Senator McKibben withdrew amendment S-5035, filed by him on March 2, 2004, to page 1 of the bill.

Senator McKibben offered amendment S-5052, filed by him on March 9, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5052 was adopted by a voice vote.

Senator McKibben offered amendment S-5014, filed by him on February 19, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5014 was adopted by a voice vote.

Senator Quirnbach offered amendment S-5090, 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-5090 be adopted?” (H.F. 2150), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

Amendment S-5090 lost.

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

On the question “Shall the bill pass?” (H.F. 2150), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson

Redfern

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

WITHDRAWN

Senator McKibben asked and received unanimous consent that **Senate File 2100** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2150** 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:

Kimberly Baxter, Administrator of the Division on the Status of African-Americans

Michael Blackwell, Commission on the Status of African-Americans

Daniel McGuire, Board of Athletic Training Examiners

Jay Howe, City Development Board

Paul Fitzgerald, Criminal and Juvenile Justice Planning Advisory Council

Daniel Hoeger, Criminal and Juvenile Justice Planning Advisory Council

Willard Boyd, Board of Trustees of the Iowa Cultural Trust

Catherine Gallagher, Board of Trustees of the Iowa Cultural Trust

Mary Kelly, Board of Trustees of the Iowa Cultural Trust

Kim Poam Logan, Board of Trustees of the Iowa Cultural Trust

Henry Neuman, Board of Trustees of the Iowa Cultural Trust

David Bernstein, Economic Development Marketing Board
Mary Chapman, Economic Development Marketing Board
Teri Goodmann, Economic Development Marketing Board
Chris Harshbarger, Economic Development Marketing Board
Craig Lang, Economic Development Marketing Board
Mary O'Keefe, Economic Development Marketing Board
Gary Wells, Economic Development Marketing Board

Darshini Jayawardena, Iowa Empowerment Board
Floyd Winter, Iowa Empowerment Board

Janet Carl, Iowa Ethics and Campaign Disclosure Board
Gerald Sullivan, Iowa Ethics and Campaign Disclosure Board

Douglas Walter, Iowa Finance Authority

Sandy Simpson, Iowa Grain Indemnity Fund Board

Kathy Alden, Grow Iowa Values Board
Bonnie Barney, Grow Iowa Values Board
Mary Chapman, Grow Iowa Values Board
Nancy Dunkel, Grow Iowa Values Board
James Hancock, Grow Iowa Values Board
Gerald Kirke, Grow Iowa Values Board
Craig Lang, Grow Iowa Values Board
John Lisle, Grow Iowa Values Board
Marcia Nichols, Grow Iowa Values Board
Henry Royer, Grow Iowa Values Board
Toby Shine, Grow Iowa Values Board

Sidney Scott, Health Facilities Council

Roberta Yoder, Council on Human Services

Mary Maloney, IowaAccess Advisory Council

Lorie Bennett, Investment Board of the IPERS
Lana Dettbarn, Investment Board of the IPERS

Jack Leaman, Landscape Architectural Examining Board
Paul Popelka, Landscape Architectural Examining Board

John-Paul Chaisson-Cardenas, Administrator of the Division of Latino
Affairs

Robin Anderson, Loan and Credit Guarantee Advisory Board
 Martha Jane Bell, Loan and Credit Guarantee Advisory Board
 Jose Laracuenta, Loan and Credit Guarantee Advisory Board
 William Logan, Loan and Credit Guarantee Advisory Board
 Donna Sorensen, Loan and Credit Guarantee Advisory Board
 John Stavnes, Loan and Credit Guarantee Advisory Board
 Gary Streit, Loan and Credit Guarantee Advisory Board

Yasyn Lee, Board of Medical Examiners

Patricia Penning, Mental Health and Developmental Disabilities
 Commission

Paul Johnson, Board of Mortuary Science Examiners

Douglas Beech, Iowa Comprehensive Petroleum Underground Storage
 Tank Fund Board

Delia Meier, Iowa Comprehensive Petroleum Underground Storage Tank
 Fund Board

Peter Peterson, Board of Physician Assistant Examiners

Christopher Atchison, Prevention of Disabilities Policy Council

Sandra Dirks, Board of Psychology Examiners

Gerald Bair, State Racing and Gaming Commission

John Ryan, Renewable Fuels and Coproducts Advisory Committee

Senator Iverson moved that the foregoing appointees be confirmed
 by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirmbach | Warnstadt |

Dotzler
Drake

Johnson
Kettering

Ragan
Rehberg

Wieck
Zieman

Nays, none.

Absent, 2:

Larson

Redfern

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2166, a bill for an act relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

Senate File 2167, a bill for an act relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

Senate File 2188, 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.

Senate File 2189, a bill for an act conferring additional enforcement authority on the real estate commission, and providing penalties.

Senate File 2230, a bill for an act relating to immunity from third-party liability for claims resulting from contaminated property.

Senate File 2240, a bill for an act relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

Senate File 2253, a bill for an act relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

ALSO: That the House has on March 15, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2352, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty.

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

House File 2462, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

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

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:18 p.m. until 8:30 a.m., Tuesday, March 16, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

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

Coach DeJong and the Ankeny Hawkettes, Ankeny—For winning a third consecutive Class 4A State Basketball Championship. Senator Lamberti (3/15/04).

Coach Gene Klinge and the Waukon Indians Girls' Basketball Team, Waukon—For winning the Class 3A Girls' State Basketball Tournament. Senator Zieman (3/15/04).

Coach Tom Pestka and the Maquoketa Valley High School Girls' Basketball Team—For qualifying for the 2004 State Championship Tournament. Senator Hosch (3/11/04).

Nicole Vander Pol, Grundy Center—For being on the First Team All-State Class 2A Girls' Basketball Team. Senator Putney (3/14/04).

PRESENTATION OF VISITORS

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

Six students from Spirit Lake High School, accompanied by Mike May and Bill Northey. Senator Johnson.

REPORTS OF COMMITTEE MEETINGS

ECONOMIC GROWTH

Convened: March 15, 2004, 6:15 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed SF 2290.

Adjourned: 6:30 p.m.

HUMAN RESOURCES

Convened: March 15, 2004, 1:55 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF 2134, as amended.

Adjourned: 2:15 p.m.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 114, by Putney, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

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

INTRODUCTION OF BILL

Senate File 2290, by Iverson, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 130

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2290

ECONOMIC GROWTH: Veenstra, Chair; Hatch and Shull

House File 2145

LOCAL GOVERNMENT: Miller, Chair; Hatch and Rehberg

House File 2270

BUSINESS AND LABOR RELATIONS: Wieck, Chair; Dearden and Kettering

House File 2304

BUSINESS AND LABOR RELATIONS: Johnson, Chair; Horn and Wieck

House File 2383

ECONOMIC GROWTH: Putney, Chair; Boettger and Ragan

House File 2447

BUSINESS AND LABOR RELATIONS: Lundby, Chair; Horn and Seymour

House File 2467

STATE GOVERNMENT: Ward, Chair; Ragan and Veenstra

House File 2468

STATE GOVERNMENT: Veenstra, Chair; Black and Shull

FINAL COMMITTEE REPORTS OF BILL ACTION

ECONOMIC GROWTH

Bill Title: SENATE FILE 2290, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Rehberg, Shull, Hatch, Beall, Boettger, Dotzler, McKinley, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2134, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5094.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|--------|------|-------------------------|
| S-5090 | H.F. | 2150 | Herman C. Quirnbach |
| S-5091 | H.C.R. | 104 | Gene Fraise |
| | | | Daryl Beall |
| | | | Dennis H. Black |
| | | | Joe Bolkom |
| | | | Mike Connolly |
| | | | Thomas G. Courtney |
| | | | Dick L. Dearden |
| | | | William A. Dotzler, Jr. |
| | | | Robert E. Dvorsky |
| | | | Michael E. Gronstal |
| | | | Jack Hatch |
| | | | Jack Holveck |
| | | | Wally E. Horn |
| | | | John P. Kibbie |
| | | | Keith A. Kreiman |
| | | | Matt W. McCoy |
| | | | Herman C. Quirnbach |
| | | | Amanda Ragan |
| | | | Joe M. Seng |
| | | | Roger Stewart |
| | | | Steve Warnstadt |
| S-5092 | S.F. | 2278 | David Miller |
| S-5093 | S.F. | 2146 | E. Thurman Gaskill |
| S-5094 | H.F. | 2134 | Human Resources |
| S-5095 | H.F. | 2440 | John Putney |
| | | | David Johnson |

JOURNAL OF THE SENATE

SIXTY-FIFTH CALENDAR DAY
THIRTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 16, 2004

The Senate met in regular session at 8:33 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Mark Urlaub, pastor of the Bethlehem Evangelical Lutheran Church in Vinton, Iowa. He was the guest of Senator Putney.

The Journal of Monday, March 15, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 15, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2059, a bill for an act relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

Senate File 2112, a bill for an act relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys.

Senate File 2261, a bill for an act providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

ALSO: That the House has on March 15, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2070, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates. (S-5097)

ALSO: That the House has on March 15, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2493, a bill for an act relating to regulation of sales at unused property markets and providing penalties.

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

House File 2505, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:38 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:40 a.m., President Lamberti presiding.

The Senate stood at ease at 8:41 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:13 a.m., President Lamberti presiding.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2268** be referred from the Regular Calendar to the committee on **State Government**.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Houser, until he returns, on request of Senator Veenstra; and Senator Holveck, until he returns, on request of Senator Gronstal.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2290.

Senate File 2290

On motion of Senator Veenstra, **Senate File 2290**, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra offered amendment S-5096, filed by him from the floor, to pages 1, 2, 4, 6, and 8 of the bill, and moved its adoption.

Amendment S-5096 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2290), the vote was:

Yeas, 45:

| | | | |
|--------|----------|----------|---------|
| Angelo | Fraise | McCoy | Shull |
| Beall | Gaskill | McKibben | Sievers |
| Behn | Gronstal | McKinley | Stewart |

| | | | |
|------------|-----------|-----------|-----------|
| Black | Hatch | Miller | Tinsman |
| Boettger | Horn | Putney | Veenstra |
| Bolkcom | Hosch | Quirnbach | Ward |
| Brunkhorst | Iverson | Ragan | Warnstadt |
| Connolly | Johnson | Redfern | Wieck |
| Courtney | Kettering | Rehberg | Zieman |
| Dotzler | Kibbie | Schuerer | |
| Drake | Lamberti | Seng | |
| Dvorsky | Lundby | Seymour | |

Nays, 2:

| | |
|---------|---------|
| Dearden | Kreiman |
|---------|---------|

Absent, 3:

| | | |
|---------|--------|--------|
| Holveck | Houser | Larson |
|---------|--------|--------|

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 2290** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:36 a.m. until 4:00 p.m.

APPENDIX — 1

APPOINTMENTS

The following appointees were submitted to the Secretary of the Senate for Senate confirmation (all appointees are submitted as **members** unless otherwise specified):

BY THE GOVERNOR

TERM

ACCOUNTANCY EXAMINING BOARD (Sec. 542.3)

| | |
|---------------------------|-------------------------|
| Susan Loy, Cedar Falls | 05/01/2004 – 04/30/2007 |
| Carol Schuster, De Witt | 05/01/2004 – 04/30/2007 |
| Wesley Stille, Storm Lake | 05/01/2004 – 04/30/2007 |

STATE OF IOWA ADJUTANT GENERAL (Sec. 29A.11)

| | |
|--------------------------------|---------------------------------------|
| Gilbert “Ron” Dardis, Johnston | 05/01/2004 – Pleasure of the Governor |
|--------------------------------|---------------------------------------|

COMMISSION ON THE STATUS OF AFRICAN-AMERICANS (Sec. 216A.142)

| | |
|-----------------------------|-------------------------|
| Beverly Allen, Des Moines | 05/01/2004 – 04/30/2008 |
| Jamie Howard, Davenport | 05/01/2004 – 04/30/2008 |
| Thomas Simmons, Adel | 05/01/2004 – 04/30/2008 |
| Loretha Teggatz, Fort Dodge | 05/01/2004 – 04/30/2008 |
| Jerome Thomas, Dubuque | 05/01/2004 – 04/30/2008 |

AGRICULTURAL DEVELOPMENT AUTHORITY (Sec. 175.3)

| | |
|-----------------------|-------------------------|
| Cheryl Adam, Batavia | 05/01/2004 – 04/30/2010 |
| Evelyn Rank, Clarinda | 05/01/2004 – 04/30/2010 |
| Jayne Ungs, Boone | 05/01/2004 – 04/30/2010 |

ALCOHOLIC BEVERAGES COMMISSION (Sec. 123.5-6)

| | |
|---------------------------|-------------------------|
| Carolyn Cavitt, Iowa City | 05/01/2004 – 04/30/2009 |
|---------------------------|-------------------------|

ARCHITECTURAL EXAMINING BOARD (Sec. 544A.1)

| | |
|---------------------------|-------------------------|
| Dale McKinney, Sioux City | 05/01/2004 – 04/30/2007 |
| Susan McKinney, Colo | 05/01/2004 – 04/30/2007 |

BOARD OF ATHLETIC TRAINING EXAMINERS (Sec. 147.14(18))

| | |
|---------------------------|-------------------------|
| Edward Crowley, Iowa City | 05/01/2004 – 04/30/2007 |
| Brett Raasch, Ankeny | 05/01/2004 – 04/30/2007 |

BOARD OF BARBER EXAMINERS (Sec. 147.14(1))

| | |
|----------------------------|-------------------------|
| Stuart Preston, Sioux City | 05/01/2004 – 04/30/2007 |
|----------------------------|-------------------------|

BOARD OF BEHAVIORAL SCIENCE EXAMINERS (Sec. 147.14(13))

| | |
|----------------------------|-------------------------|
| James Anastasi, Clear Lake | 05/01/2004 – 04/30/2007 |
| Linda Nebbe, Cedar Falls | 05/01/2004 – 04/30/2007 |

| | |
|--|---------------------------------------|
| COMMISSION FOR THE BLIND (Sec. 216B.2) | |
| Douglas Elliott, Grinnell | 05/01/2004 – 04/30/2007 |
| IOWA CAPITAL INVESTMENT BOARD (Sec. 15E.63) | |
| Burt Chojnowski, Fairfield | 05/01/2004 – 04/30/2009 |
| BOARD OF CHIROPRACTIC EXAMINERS (Sec. 147.14(8)) | |
| Rod Rebarcak, Ames | 05/01/2004 – 04/30/2007 |
| CITY DEVELOPMENT BOARD (Sec. 368.9) | |
| Dennis Plautz, Fort Dodge | 05/01/2004 – 04/30/2010 |
| EXECUTIVE DIRECTOR OF THE IOWA STATE CIVIL RIGHTS COMMISSION (Sec. 216.3) | |
| Ralph Rosenberg, Ames | 03/29/2004 – Pleasure of the Governor |
| COMMISSION ON COMMUNITY ACTION AGENCIES (Sec. 216A.92A) | |
| Lois Eichacker, Fort Madison | 05/01/2004 – 04/30/2007 |
| Bob Knowler, Sioux City | 05/01/2004 – 04/30/2007 |
| Marc Lindeen, Mount Pleasant | 05/01/2004 – 04/30/2006 |
| Tammy Wetjen-Kesterson, Marengo | 05/01/2004 – 04/30/2006 |
| Catherine Whitfield, Des Moines | 05/01/2004 – 04/30/2007 |
| BOARD OF COSMETOLOGY ARTS AND SCIENCES EXAMINERS (Sec. 147.14(14)) | |
| Becky Brockmann, Hartley | 05/01/2004 – 04/30/2005 |
| Jack Morlan, Des Moines | 05/01/2004 – 04/30/2007 |
| CREDIT UNION REVIEW BOARD (Sec. 533.53) | |
| Paul Becker, Fort Dodge | 05/01/2004 – 04/30/2007 |
| Becky Hansen, De Witt | 05/01/2004 – 04/30/2007 |
| COMMISSION ON THE DEAF (Sec. 216A.112) | |
| Tina Lynch, Clutier | 05/01/2004 – 04/30/2006 |
| Kathy Miller, Honey Creek | 05/01/2004 – 04/30/2007 |
| Karen Potter-Maxwell, Council Bluffs | 05/01/2004 – 04/30/2007 |
| BOARD OF DENTAL EXAMINERS (Sec. 147.14(4)) | |
| Deena Kuempel, Cedar Rapids | 05/01/2004 – 04/30/2007 |
| Richard Reay, Johnston | 05/01/2004 – 04/30/2007 |
| Peter Vidal, Garner | 05/01/2004 – 04/30/2007 |
| BOARD OF DIETETIC EXAMINERS (Sec. 147.14(11)) | |
| Jean Anderson, Ames | 05/01/2004 – 04/30/2007 |
| IOWA DRUG POLICY ADVISORY COUNCIL (Sec. 80E.2) | |
| Ed Barnes, Des Moines | 05/01/2004 – 04/30/2008 |
| Douglas Book, Forest City | 05/01/2004 – 04/30/2008 |
| IOWA ECONOMIC DEVELOPMENT BOARD (Sec. 15.103) | |
| Linda Bloodsworth, Davenport | 05/01/2004 – 04/30/2008 |
| Julie Carlson, Spencer | 05/01/2004 – 04/30/2008 |
| Jerry Courtney, Burlington | 02/24/2004 – 04/30/2005 |

ECONOMIC DEVELOPMENT MARKETING BOARD (Sec. 15G.109)

| | |
|--------------------------------|-------------------------|
| David Bernstein, Sioux City | 05/01/2004 – 04/30/2007 |
| Chris Harshbarger, Cedar Falls | 05/01/2004 – 04/30/2007 |

DIRECTOR OF THE IOWA DEPARTMENT OF EDUCATION (Sec. 256.8)

| | |
|---------------------------------|---------------------------------------|
| Frederick (Ted) Stilwill, Clive | 05/01/2004 – Pleasure of the Governor |
|---------------------------------|---------------------------------------|

STATE BOARD OF EDUCATION (Sec. 256.3)

| | |
|------------------------------|-------------------------|
| Rosemarie Hussey, Mason City | 05/01/2004 – 04/30/2010 |
| Jonathan Wilson, Des Moines | 05/01/2004 – 04/30/2010 |

COMMISSION OF ELDER AFFAIRS (Sec. 231.11)

| | |
|--------------------------------|-------------------------|
| Kathleen Buckwalter, Iowa City | 02/25/2004 – 04/30/2007 |
| Lisa Carlson, Davenport | 02/18/2004 – 04/30/2005 |
| Hazel Chuck, Mason City | 05/01/2004 – 04/30/2008 |
| Craig Downing, Sigourney | 05/01/2004 – 04/30/2008 |

IOWA EMERGENCY RESPONSE COMMISSION (Sec. 30.2)

| | |
|---------------------------|-------------------------|
| Susan Lagneaux, Urbandale | 05/01/2004 – 04/30/2007 |
|---------------------------|-------------------------|

EMPLOYMENT APPEAL BOARD (Sec. 10A.601)

| | |
|---------------------|-------------------------|
| John Peno, Carlisle | 05/01/2004 – 04/30/2010 |
|---------------------|-------------------------|

IOWA EMPOWERMENT BOARD (Sec. 28.3)

| | |
|----------------------------------|-------------------------|
| Scott Beall, Waverly | 05/01/2004 – 04/30/2007 |
| Christopher Carman, Cedar Rapids | 05/01/2004 – 04/30/2006 |
| Sally Hartley, Salix | 05/01/2004 – 04/30/2007 |
| Darshini Jayawardena, Mason City | 05/01/2004 – 04/30/2007 |
| Douglas Peters, West Des Moines | 05/01/2004 – 04/30/2006 |

ENGINEERING AND LAND SURVEYING EXAMINING BOARD (Sec. 542B.3)

| | |
|--------------------------------|-------------------------|
| Patricia Heagel, Sioux City | 05/01/2004 – 04/30/2007 |
| Dennis Osipowicz, Fort Madison | 05/01/2004 – 04/30/2007 |

IOWA ETHICS AND CAMPAIGN DISCLOSURE BOARD (Sec. 68B.32)

| | |
|---------------------|-------------------------|
| Betsy Roe, Pella | 05/01/2004 – 04/30/2010 |
| John Walsh, Dubuque | 05/01/2004 – 04/30/2010 |

EXECUTIVE DIRECTOR OF THE IOWA FINANCE AUTHORITY (Sec. 16.6)

| | |
|--------------------------------|---------------------------------------|
| Michael Tramontina, Des Moines | 05/01/2004 – Pleasure of the Governor |
|--------------------------------|---------------------------------------|

IOWA GRAIN INDEMNITY FUND BOARD (Sec. 203D.4)

| | |
|---------------------------|-------------------------|
| Edwin Hershberger, Kalona | 05/01/2004 – 04/30/2007 |
| Thomas Kaldenberg, Albia | 05/01/2004 – 04/30/2007 |

GROW IOWA VALUES BOARD (Sec 15G.102)

| | |
|-------------------------------|-------------------------|
| Gerald Kirke, West Des Moines | 05/01/2004 – 04/30/2007 |
| Toby Shine, Wahpeton | 05/01/2004 – 04/30/2007 |

HEALTHY AND WELL KIDS IN IOWA (HAWK-I) BOARD (Sec. 514I.4)

| | |
|-------------------------------|-------------------------|
| John Baker, Waterloo | 05/01/2004 – 04/30/2006 |
| Wanda Wyatt-Hardwick, Clinton | 05/01/2004 – 04/30/2006 |

BOARD FOR THE LICENSING AND REGULATION OF HEARING AID

DISPENSERS (Sec. 154A.2-3)

| | |
|----------------------------|-------------------------|
| Gregory Hoyman, Emmetsburg | 05/01/2004 – 04/30/2007 |
| Gregory Moore, Ottumwa | 05/01/2004 – 04/30/2007 |

IOWA HIGHER EDUCATION LOAN AUTHORITY (Sec. 216A.6)

| | |
|---------------------------|-------------------------|
| Stephanie Savage, Dubuque | 05/01/2004 – 04/30/2010 |
|---------------------------|-------------------------|

INFORMATION TECHNOLOGY COUNCIL (Sec. 14B.105)

| | |
|--------------------------------------|-------------------------|
| Mary Elizabeth Brandsgard, Davenport | 05/01/2004 – 04/30/2008 |
| Sandra Glenn, Cedar Falls | 05/01/2004 – 04/30/2008 |
| Timothy Lapointe, Mason City | 05/01/2004 – 04/30/2008 |

IOWACCESS ADVISORY COUNCIL (Sec. 14B.201)

| | |
|----------------------------|-------------------------|
| Sheila Castaneda, Dubuque | 05/01/2004 – 04/30/2008 |
| Kelly Hayworth, Coralville | 05/01/2004 – 04/30/2008 |
| Richard Neri, Waukee | 05/01/2004 – 04/30/2008 |
| Herbert Strentz, Urbandale | 05/01/2004 – 04/30/2008 |

INVESTMENT BOARD OF THE IPERS (Sec. 97B.8A)

| | |
|--------------------------------|-------------------------|
| Phyllis Peterson, Cedar Rapids | 05/01/2004 – 04/30/2010 |
|--------------------------------|-------------------------|

LANDSCAPE ARCHITECTURAL EXAMINING BOARD (Sec. 544B.3)

| | |
|------------------------------|-------------------------|
| Jon Crose, Urbandale | 05/01/2004 – 04/30/2007 |
| Julie Westerheim, Des Moines | 05/01/2004 – 04/30/2007 |

IOWA LAW ENFORCEMENT ACADEMY COUNCIL (Sec. 80B.6)

| | |
|--------------------------|-------------------------|
| Angela Bonar, Burlington | 05/01/2004 – 04/30/2008 |
| Niki Dean, Bettendorf | 05/01/2004 – 04/30/2008 |

LOAN AND CREDIT GUARANTEE ADVISORY BOARD (Sec. 15E.226)

| | |
|----------------------------------|-------------------------|
| Martha Jane Bell, Council Bluffs | 05/01/2004 – 04/30/2007 |
| Robert Snodgrass, Creston | 05/01/2004 – 04/30/2007 |

IOWA LOTTERY AUTHORITY BOARD OF DIRECTORS (Sec. 99G.8)

| | |
|-----------------------------|-------------------------|
| Timothy Clausen, Sioux City | 05/01/2004 – 04/30/2008 |
|-----------------------------|-------------------------|

BOARD OF EXAMINERS FOR MASSAGE THERAPY (Sec. 147.14(17))

| | |
|-------------------------|-------------------------|
| Mary Belieu, Bondurant | 05/01/2004 – 04/30/2007 |
| Cindy Pancratz, Dubuque | 05/01/2004 – 04/30/2006 |

BOARD OF MEDICAL EXAMINERS (Sec. 147.14(2))

| | |
|-----------------------------|-------------------------|
| Blaine Houmes, Cedar Rapids | 05/01/2004 – 04/30/2007 |
| Russell Lee, Davenport | 05/01/2004 – 04/30/2007 |
| Yasyn Lee, Dubuque | 05/01/2004 – 04/30/2007 |
| Paul Thurlow, Dubuque | 05/01/2004 – 04/30/2007 |

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES COMMISSION

(Sec. 225C.5(1))

| | |
|--------------------------|-------------------------|
| Russell Finken, Glenwood | 05/01/2004 – 04/30/2007 |
| Jon Grate, Davenport | 05/01/2004 – 04/30/2007 |
| Mary Hughes, Kalona | 05/01/2004 – 04/30/2007 |

| | |
|-----------------------------|-------------------------|
| Lori Reynolds, Anamosa | 05/01/2004 – 04/30/2007 |
| Carl Smith, West Des Moines | 05/01/2004 – 04/30/2007 |

MENTAL HEALTH RISK POOL BOARD (Sec. 426B.5(3))

| | |
|---------------------------|-------------------------|
| Judy Clark, Clarinda | 05/01/2004 – 04/30/2007 |
| Sally Stutsman, Riverside | 05/01/2004 – 04/30/2007 |

BOARD OF MORTUARY SCIENCE EXAMINERS (Sec. 147.14(1))

| | |
|----------------------------------|-------------------------|
| Margaret Eicher, West Des Moines | 05/01/2004 – 04/30/2007 |
| Eugene Siegert, Dubuque | 05/01/2004 – 04/30/2007 |

BOARD OF NURSING EXAMINERS (Sec. 147.14(3))

| | |
|------------------------|-------------------------|
| Clyde Bradley, Clinton | 05/01/2004 – 04/30/2007 |
| Jane Hasek, Reinbeck | 05/01/2004 – 04/30/2007 |
| William Miller, Harlan | 05/01/2004 – 04/30/2007 |

STATE BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS
(Sec. 155.2)

| | |
|--------------------------|-------------------------|
| Margaret Beaty, Winfield | 05/01/2004 – 04/30/2007 |
| Judy Weller, Pomeroy | 05/01/2004 – 04/30/2007 |

BOARD OF OPTOMETRY EXAMINERS (Sec. 147.14(6))

| | |
|-----------------------------------|-------------------------|
| Connie Connolly, Mason City | 05/01/2004 – 04/30/2007 |
| Christopher Olson, Mount Pleasant | 05/01/2004 – 04/30/2007 |

BOARD OF PAROLE (Sec. 904A.1-3)

| | |
|------------------------------|-------------------------|
| Richard Bordwell, Washington | 05/01/2004 – 04/30/2008 |
|------------------------------|-------------------------|

PEACE OFFICERS' RETIREMENT, ACCIDENT, AND DISABILITY SYSTEM
TRUSTEE (Sec. 97A.5)

| | |
|----------------------------|-------------------------|
| Terrance Lillis, Urbandale | 05/01/2004 – 04/30/2006 |
|----------------------------|-------------------------|

BOARD OF PHARMACY EXAMINERS (Sec. 147.14(5))

| | |
|---------------------------------|-------------------------|
| Kathleen Halloran, Cedar Rapids | 05/01/2004 – 04/30/2007 |
| Michael Seifert, Urbandale | 05/01/2004 – 04/30/2007 |

BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY EXAMINERS
(Sec. 147.14(10))

| | |
|-----------------------------|-------------------------|
| Cheryl Stewart, Glenwood | 05/01/2004 – 04/30/2007 |
| Martin Ungs, Urbandale | 05/01/2004 – 04/30/2007 |
| Kurt Walderbach, Mason City | 05/01/2004 – 04/30/2007 |

BOARD OF PHYSICIAN ASSISTANT EXAMINERS (Sec. 147.14(12))

| | |
|-----------------------------|-------------------------|
| Edward Friedmann, Redfield | 05/01/2004 – 04/30/2007 |
| Fred Strickland, Des Moines | 05/01/2004 – 04/30/2007 |

BOARD OF PODIATRY EXAMINERS (Sec. 147.14(1A))

| | |
|---------------------------|-------------------------|
| Eric Jensen, Carroll | 05/01/2004 – 04/30/2007 |
| Jill Scholz, Iowa City | 05/01/2004 – 04/30/2007 |
| Matthew Wilber, Davenport | 05/01/2004 – 04/30/2007 |

PREVENTION OF DISABILITIES POLICY COUNCIL (Sec. 225B.3)

| | |
|-----------------------------|-------------------------|
| Claibourne Dungy, Iowa City | 05/01/2004 – 04/30/2007 |
| Scott Lindgren, Solon | 05/01/2004 – 04/30/2007 |
| Thomas Slater, Des Moines | 05/01/2004 – 04/30/2007 |

BOARD OF PSYCHOLOGY EXAMINERS (Sec. 147.14(7))

| | |
|--------------------------------|-------------------------|
| Francisco Barrios, Cedar Falls | 05/01/2004 – 04/30/2007 |
| Sandra Dirks, Grimes | 05/01/2004 – 04/30/2007 |

PUBLIC EMPLOYMENT RELATIONS BOARD (Sec. 20.5)

| | |
|-------------------------|-------------------------|
| Neil Barrick, Johnston | 05/01/2004 – 04/30/2008 |
| M. Sue Warner, Johnston | 05/01/2004 – 04/30/2008 |

STATE PUBLIC DEFENDER (Sec. 13B.2)

| | |
|-----------------------|---------------------------------------|
| Thomas Becker, Waukee | 05/01/2004 – Pleasure of the Governor |
|-----------------------|---------------------------------------|

STATE RACING AND GAMING COMMISSION (Sec. 99D.5)

| | |
|-----------------------------|-------------------------|
| Michael Mahaffey, Montezuma | 05/01/2004 – 04/30/2007 |
|-----------------------------|-------------------------|

IOWA RAILWAY FINANCE AUTHORITY (Sec. 327I.5-6)

| | |
|-----------------------------|-------------------------|
| Jonathon Muller, Des Moines | 05/01/2004 – 04/30/2010 |
|-----------------------------|-------------------------|

REAL ESTATE APPRAISER EXAMINING BOARD (Sec. 543D.4)

| | |
|-----------------------------|-------------------------|
| Richard DeHeer, Knoxville | 05/01/2004 – 04/30/2007 |
| Richard Koestner, Davenport | 05/01/2004 – 04/30/2007 |

REAL ESTATE COMMISSION (Sec. 543B.8)

| | |
|-------------------------|-------------------------|
| Donald Marple, Eldridge | 05/01/2004 – 04/30/2007 |
|-------------------------|-------------------------|

STATE BOARD FOR RESPIRATORY CARE (Sec. 147.14(15))

| | |
|----------------------|-------------------------|
| Kerry George, Ankeny | 05/01/2004 – 04/30/2007 |
|----------------------|-------------------------|

SCHOOL BUDGET REVIEW COMMITTEE (Sec. 257.30)

| | |
|-----------------------|-------------------------|
| Clark Yeager, Ottumwa | 05/01/2004 – 04/30/2007 |
|-----------------------|-------------------------|

SMALL BUSINESS ADVISORY COUNCIL (Sec. 15.108(7h))

| | |
|-------------------------------|-------------------------|
| Dawn Connet, West Des Moines | 05/01/2004 – 04/30/2007 |
| James Davis, Charles City | 05/01/2004 – 04/30/2006 |
| Elizabeth Garst, Coon Rapids | 05/01/2004 – 04/30/2005 |
| Kimberly Kudrna, Cedar Rapids | 05/01/2004 – 04/30/2007 |
| Timothy Neugent, Des Moines | 05/01/2004 – 04/30/2007 |

BOARD OF SOCIAL WORK EXAMINERS (Sec. 147.14(1))

| | |
|----------------------------|-------------------------|
| Lance Clemesen, Coralville | 05/01/2004 – 04/30/2007 |
| Ken Zimmerman, Mason City | 05/01/2004 – 04/30/2007 |

STATE SOIL CONSERVATION COMMITTEE (Sec. 161A.4)

| | |
|----------------------|-------------------------|
| Jody Kerns, Edgewood | 05/01/2004 – 04/30/2010 |
|----------------------|-------------------------|

BOARD OF SPEECH PATHOLOGY AND AUDIOLOGY EXAMINERS (Sec. 147.14(9))

| | |
|-----------------------|-------------------------|
| Jason Aird, Iowa City | 05/01/2004 – 04/30/2007 |
| Coral Jud, Knierim | 05/01/2004 – 04/30/2007 |

| | |
|--|---|
| IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION (Sec. 8D.3(2)) Pamela Duffy, Adel | 05/01/2004 – 04/30/2010 |
| TITLE GUARANTY DIVISION BOARD (Sec. 16.2) Catherine Hult, Bettendorf | 05/01/2004 – 04/30/2007 |
| COMMISSION ON TOBACCO USE PREVENTION AND CONTROL (Sec. 142A.3) David Carlyle, Ames Sharon Wellendorf, Ida Grove | 05/01/2004 – 04/30/2007 05/01/2004 – 04/30/2007 |
| DIRECTOR OF THE IOWA DEPARTMENT OF TRANSPORTATION (Sec. 307.11) Mark Wandro, Urbandale | 05/01/2004 – Pleasure of the Governor |
| STATE TRANSPORTATION COMMISSION (Sec. 307.3) Suzan Boden, Sioux City Barbara Mac Gregor, Mason City | 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 |
| COMMISSION OF VETERANS AFFAIRS (Sec. 35A.2) Arthur Dayton, Webster City Darlene McMartin, Hancock Steven Mulcahy, Ottumwa | 05/01/2004 – 04/30/2007 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2007 |
| IOWA BOARD OF VETERINARY MEDICINE (Sec. 169.5) Earl Goerdt, Dyersville | 05/01/2004 – 04/30/2007 |
| VISION IOWA BOARD (Sec. 15F.102) Lorna Burnside, Storm Lake Gregg Connell, Shenandoah Mike Edwards, Burlington Cathy Reece, Chariton | 05/01/2004 – 04/30/2007 05/01/2004 – 04/30/2007 05/01/2004 – 04/30/2007 05/01/2004 – 04/30/2006 |
| COMMISSION ON THE STATUS OF WOMEN (Sec. 216A.52-53) Angelica Cardenas-Chaisson, Des Moines Francis Giunta, Dubuque Holly Mennen-Sagar, Des Moines Kimberly Painter, Iowa City Michael Whitlatch, Storm Lake | 05/01/2004 – 04/30/2006 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 |
| DIRECTOR OF THE IOWA DEPARTMENT OF WORKFORCE DEVELOPMENT (Sec. 84A.1) Richard Running, Des Moines | 05/01/2004 – Pleasure of the Governor |
| IOWA WORKFORCE DEVELOPMENT BOARD (Sec. 84A.1A) Rosa Bailey, Sioux City Jean Logan, Sioux City Ken Sagar, Des Moines | 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 05/01/2004 – 04/30/2008 |

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, 2004:

Pursuant to Iowa Code Section 2.32(4), the appointment for the IowAccess Advisory Council vacancy, formerly held by Craig Hiemstra, 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 Massage Therapy vacancy, formerly held by Robert Buchanan, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Mental Health and Developmental Disabilities Commission vacancy, formerly held by Brian Ridler, 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 Renewable Fuels and Coproducts Advisory Committee vacancy, formerly held by JoAnn Brincks, 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 Social Work Examiners vacancy, formerly held by Janice McCoy, 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 Status of Women vacancy, formerly held by Judge Brown, is being deferred because no appropriate candidate has been found for this position at this time.

Pursuant to Iowa Code Section 2.32(4), the appointment for the Commission of Veterans Affairs vacancy, formerly held by Larry Bowden, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

CERTIFICATES OF RECOGNITION

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

Victoria Buick, Red Oak—For winning the Governor's 14th Annual Youth Art Show. Senator Angelo (3/16/04).

Charles City Comets Girls' Basketball Team—For being Class 3A Runners-Up and for being awarded the Class 3A Sportsmanship Trophy at the 2004 Girls' Basketball Tournament. Senator Ragan (3/17/04).

Rachael Collier, Burlington—For winning second place at the Iowa Junior Science and Humanities Symposium. Senator Courtney (3/16/04).

Lexie Holmgren, Red Oak—For having an entry accepted for the Governor's 14th Annual Youth Art Show. Senator Angelo (3/16/04).

Iowa City West High School, Iowa City—For winning the All-Iowa High School Forensic League Championship. Senator Dvorsky (3/6/04).

Jacob Krapf, New Vienna—For serving honorably in Iraq as part of the Operation Iraqi Freedom. Senator Hosch (3/15/04).

Sandi Zaiser, Logan—For your dedication to teaching and helping to make a difference in every student's life. Senators Seymour and Boettger (3/22/04).

REPORTS OF COMMITTEE MEETINGS

COMMERCE

Convened: March 16, 2004, 1:05 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Bolkom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Beall, McCoy, and Redfern (all excused).

Committee Business: Passed HF 2373.

Adjourned: 1:10 p.m.

ECONOMIC GROWTH

Convened: March 16, 2004, 3:00 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Boettger, McKinley, Putney, Ragan, Seymour, Veenstra, and Ward.

Members Absent: Dotzler and Stewart (both excused).

Committee Business: Presentation regarding the Greater Des Moines Community Foundation.

Adjourned: 3:35 p.m.

LOCAL GOVERNMENT

Convened: March 16, 2004, 2:05 p.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hosch, Kettering, Kreiman, McCoy, Rehberg, Seymour, and Stewart.

Members Absent: Hatch and Houser (both excused).

Committee Business: Subcommittee assignment.

Adjourned: 2:10 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 16, 2004, 3:05 p.m.

Members Present: Johnson, Vice Chair; Seng, Ranking Member; Black, Bolcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman.

Members Absent: Houser, Chair (excused).

Committee Business: Passed HF's 2281 (as amended), 2282, and 2351 and presentation regarding NRCS.

Adjourned: 3:40 p.m.

RULES AND ADMINISTRATION

Convened: March 16, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Sievers, and Wieck.

Members Absent: Ragan (excused).

Committee Business: Passed SCR 114 and SR 130.

Adjourned: 8:40 a.m.

STATE GOVERNMENT

Convened: March 16, 2004, 2:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Veenstra, and Ward.

Members Absent: Tinsman (excused).

Committee Business: Passed SF 2225, and HF's 2167, 2318, 2452, and 2467.

Adjourned: 2:45 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 16, 2004, 9:55 a.m.

Members Present: Gaskill, Chair; Black, Ranking Member; Seng, and Seymour.

Members Absent: Houser, Vice Chair (excused).

Committee Business: Discussed the Department of Agriculture and Natural Resources' budget request with Patty Judge, Secretary of Agriculture.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 16, 2004, 10:05 a.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirnbach.

Members Absent: None.

Committee Business: Reviewed proposed committee bill.

Adjourned: 10:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 16, 2004, 10:05 a.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Reviewed target plan for committee bill.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 16, 2004, 10:00 a.m.

Members Present: Miller, Chair; Fraise, Ranking Member; and Hosch.

Members Absent: Angelo, Vice Chair; and Kreiman.

Committee Business: Discussed committee shell bills.

Adjourned: 10:15 a.m.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 114**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2241

EDUCATION: Hosch, Chair; Behn and Connolly

House File 2394

EDUCATION: Rehberg, Chair; Boettger and Holveck

House File 2418

EDUCATION: Redfern, Chair; Boettger and Dvorsky

House File 2460

EDUCATION: Brunkhorst, Chair; Beall and Behn

House File 2476

AGRICULTURE: Zieman, Chair; Johnson and Seng

House File 2490

COMMERCE: Schuerer, Chair; Brunkhorst and Stewart

House File 2496

STATE GOVERNMENT: Ragan, Chair; Schuerer and Tinsman

House File 2497

STATE GOVERNMENT: Shull, Chair; Kibbie and Sievers

AFTERNOON SESSION

The Senate reconvened at 4:02 p.m., President Lamberti presiding.

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

The Senate resumed session at 5:12 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Ward.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2234 and 2150.

Senate File 2234

On motion of Senator Miller, **Senate File 2234**, a bill for an act relating to child custody and visitation provisions, 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. 2234), the vote was:

Yeas, 34:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Horn | McCoy | Shull |
| Behn | Hosch | McKibben | Sievers |
| Black | Houser | McKinley | Tinsman |
| Boettger | Iverson | Miller | Veenstra |
| Brunkhorst | Johnson | Putney | Ward |
| Courtney | Kettering | Rehberg | Wieck |
| Dotzler | Kibbie | Schuerer | Zieman |

| | | |
|---------|----------|---------|
| Drake | Lamberti | Seng |
| Gaskill | Lundby | Seymour |

Nays, 14:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Holveck | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | Quirmbach | |
| Dearden | Hatch | Ragan | |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

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

Senate File 2150

On motion of Senator Veenstra, **Senate File 2150**, a bill for an act providing for termination of parental rights of a parent convicted of felony physical or sexual abuse of a child in the parent's or child's household, 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. 2150), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirmbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wiek |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

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 2284.

Senate File 2284

On motion of Senator Shull, **Senate File 2284**, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2284), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | Lundby | Shull |
| Black | Gronstal | McCoy | Sievers |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | McKinley | Tinsman |
| Brunkhorst | Horn | Miller | Veenstra |
| Cannolly | Hosch | Putney | Ward |
| Courtney | Houser | Quirnbach | Warnstadt |
| Dearden | Iverson | Ragan | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, 1:

Kreiman

Absent, 2:

Larson

Redfern

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2150, 2234, and 2284** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 104.

House Concurrent Resolution 104

On motion of Senator Angelo, **House Concurrent Resolution 104**, a concurrent resolution urging state employee unions and the Governor to renegotiate and establish a pay freeze for the fiscal year beginning July 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Fraise offered amendment S-5091, filed by Senator Fraise, et al., on March 15, 2004, to pages 1-3 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5091 be adopted?" (H.C.R. 104), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | Zieman |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

Amendment S-5091 lost.

Senator Angelo moved the adoption of House Concurrent Resolution 104 and requested a record roll call.

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

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

The motion prevailed and the resolution was adopted.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2280.

Senate File 2280

On motion of Senator Schuerer, **Senate File 2280**, a bill for an act relating to the awarding of bonuses to appointed state officers and state employees and providing an effective date, was taken up for consideration.

Senator Schuerer offered amendment S-5098, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5098 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2280), the vote was:

Yeas, 40:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Horn | McKibben | Seymour |
| Beall | Hosch | McKinley | Shull |
| Behn | Houser | Miller | Sievers |
| Boettger | Iverson | Putney | Stewart |
| Brunkhorst | Johnson | Quirnbach | Tinsman |
| Courtney | Kettering | Ragan | Veenstra |
| Drake | Kibbie | Redfern | Ward |
| Fraise | Kreiman | Rehberg | Warnstadt |
| Gaskill | Lamberti | Schuerer | Wieck |
| Gronstal | Lundby | Seng | Zieman |

Nays, 9:

| | | |
|----------|---------|---------|
| Black | Dearden | Hatch |
| Bolkcom | Dotzler | Holveck |
| Connolly | Dvorsky | McCoy |

Absent, 1:

Larson

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 2145.

Senate File 2145

On motion of Senator Kettering, **Senate File 2145**, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal, was taken up for consideration.

Senator Kettering asked and received unanimous consent that **House File 2325** be **substituted** for **Senate File 2145**.

House File 2325

On motion of Senator Kettering, **House File 2325**, a bill for an act relating to raising an ineffective assistance of counsel claim against an attorney in a criminal case on appeal, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2325), the vote was:

Yeas, 49:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |

| | | |
|---------|-----------|----------|
| Dotzler | Kettering | Rehberg |
| Drake | Kibbie | Schuerer |
| Dvorsky | Kreiman | Seng |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Kettering asked and received unanimous consent that **Senate File 2145** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2280**, **House Concurrent Resolution 104**, and **House File 2325** 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 2281.

Senate File 2281

On motion of Senator Kettering, **Senate File 2281**, a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date, was taken up for consideration.

Senator Kettering withdrew amendment S-5099, filed by him from the floor to page 1 of the bill.

Senator Kettering offered amendment S-5102, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5102 was adopted by a voice vote.

Senator Kettering asked and received unanimous consent that **House File 2340** be **substituted** for **Senate File 2281**.

House File 2340

On motion of Senator Kettering, **House File 2340**, a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date, was taken up for consideration.

Senator Kettering offered amendment S-5100, filed by him from the floor to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5100 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2340), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cconnolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Kettering asked and received unanimous consent that **Senate File 2281** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2243 and 2154.

Senate File 2243

On motion of Senator Redfern, **Senate File 2243**, a bill for an act relating to the transfer and apportionment of district associate judges and to the qualifications of magistrates, and providing for a study, was taken up for consideration.

Senator Redfern offered amendment S-5073, filed by him on March 10, 2004, to pages 2, 5, and to the title page of the bill, and moved its adoption.

Amendment S-5073 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. 2243), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2154

On motion of Senator Redfern, **Senate File 2154**, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices, was taken up for consideration.

Senator Quirnbach offered amendment S-5066, filed by Senators Quirnbach and McCoy on March 9, 2004, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5066 be adopted?” (S.F. 2154), the vote was:

Yeas, 21:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Cannolly | Gronstal | McCoy | |

| | | |
|----------|---------|-----------|
| Courtney | Hatch | Quirnbach |
| Dearden | Holveck | Ragan |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5066 lost.

Senator Redfern offered amendment S-5101, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5101 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. 2154), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2154 and 2243 and House File 2340** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Joint Resolution 2005.

House Joint Resolution 2005

On motion of Senator Iverson, **House Joint Resolution 2005**, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments, 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.

House Joint Resolution 2005, a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2004 Annual Meeting of the Midwestern Legislative Conference of the Council of State Governments.

WHEREAS, the State of Iowa is honored to host the Midwestern Legislative Conference of the Council of State Governments in Des Moines, Iowa, on July 11 through 14, 2004; and

WHEREAS, this prestigious regional meeting offers an opportunity to develop and maintain contact among legislators, public officials, and the private sector from the states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin; and

WHEREAS, social events are held in conjunction with the business sessions of this annual meeting, and Iowa's unique State Capitol is an optimal location for one of the social events for this national meeting; and

WHEREAS, wine and beer are customarily served as an accompaniment to the food and entertainment provided at such social events; and

WHEREAS, under 11 IAC 100.4(8), which prohibits the consumption of alcoholic beverages on the capitol complex, it is not possible to serve wine and beer at social events in the State Capitol; NOW THEREFORE,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 11 IAC 100.4(8) and any contrary provisions of chapter 123, prohibiting the use and consumption of alcoholic beverages in public places, wine and beer may be used and consumed within the State Capitol at a social event, to be held on or around July 13, 2004, hosted by the State of Iowa in conjunction with the 2004 Midwestern Legislative Conference of the Council of State Governments, if the person providing the food and beverages at the social event possesses the appropriate valid liquor control license. For the purposes of this section and section 123.95, the State Capitol is a private place.

On the question "Shall the resolution be adopted?" (H.J.R. 2005), the vote was:

Yeas, 46:

| | | | |
|----------|-----------|-----------|-----------|
| Angelo | Fraise | Lundby | Seymour |
| Beall | Gaskill | McCoy | Shull |
| Behn | Gronstal | McKibben | Sievers |
| Black | Hatch | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Bolkcom | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, 3:

Brunkhorst

Holveck

Kreiman

Absent, 1:

Larson

The resolution, having received a constitutional majority, was declared to have been adopted by the Senate and the title was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2009.

Senate Joint Resolution 2009

On motion of Senator Iverson, **Senate Joint Resolution 2009**, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians, 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 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

WHEREAS, the MidAmerican Chapter of the American Association of Law Librarians is a prestigious group representing information resource specialists in all areas of research in both the public and private sectors; and

WHEREAS, the annual meeting of the MidAmerican Chapter of the American Association of Law Librarians addresses the major issues facing libraries, staff, and library users at all levels; and

WHEREAS, wine is customarily served at social events for member participants attending the annual meeting; and

WHEREAS, under 11 IAC 100.4(8), which prohibits the consumption of alcoholic beverages on the capitol complex, it is not possible to serve wine at social events in the State Capitol;

NOW THEREFORE,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Notwithstanding 11 IAC 100.4(8) 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 social event, to be held on or around October 15, 2004, hosted by local membership committees in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians, if the person providing the food and wine at the social event possesses the appropriate valid liquor control license. For the purposes 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. 2009), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Lamberti | Seng |
| Beall | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Bolkcom | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |

Nays, 2:

| | |
|---------|---------|
| Holveck | Kreiman |
|---------|---------|

Absent, 1:

Larson

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 2009** and **House Joint Resolution 2005** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2118, a bill for an act regarding public utility rights-of-way and providing an effective date.

Senate File 2199, a bill for an act relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

ALSO: That the House has on March 16, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2290, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date. (S-5108)

ALSO: That the House has on March 16, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2225, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

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

House File 2315, a bill for an act relating to agricultural conservation practices.

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

House File 2395, a bill for an act creating the criminal offense of intellectual property counterfeiting, and providing a penalty.

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

House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

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

House File 2464, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

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

House File 2475, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

HOUSE AMENDMENT CONSIDERED

Senate File 2290

Senator Veenstra called up for consideration **Senate File 2290**, a bill for an act relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date, amended by the House in House amendment S-5108, filed March 16, 2004.

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

On the question “Shall the bill pass?” (S.F. 2290), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lundby | Seymour |
| Beall | Gaskill | McCoy | Shull |
| Behn | Gronstal | McKibben | Sievers |
| Black | Holveck | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Bolkcom | Hosch | Putney | Veenstra |
| Brunkhorst | Houser | Quirnbach | Ward |
| Cannolly | Iverson | Ragan | Warnstadt |
| Courtney | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, 2:

| | |
|---------|---------|
| Dearden | Kreiman |
|---------|---------|

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

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 2290** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:23 p.m. until 8:30 a.m., Wednesday, March 17, 2004.

APPENDIX — 2

STUDY BILL RECEIVED

SSB 3166 Ways and Means

Proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

SUBCOMMITTEE ASSIGNMENT

SSB 3166

WAYS AND MEANS: McKibben, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 2373, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Behn, Wieck, Warnstadt, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Schuerer, Sievers, and Stewart. Nays, none. Absent, 3: Beall, McCoy, and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2281, a bill for an act relating to licensing of nonresident bait dealers.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5103.

Final Vote: Ayes, 13: Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Houser and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2282, a bill for an act relating to the selling of bait by an aquaculture unit licensee.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Houser and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2351, a bill for an act relating to enforcement of waste tire violations and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Houser and Kettering.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 114, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Sievers, and Wieck. Nays, none. Absent, 1: Ragan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 130, a resolution honoring Haley Dunn.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Sievers, and Wieck. Nays, none. Absent, 1: Ragan.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2225 (SSB 3093), a bill for an act providing for negotiated rulemaking.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Veenstra, and Ward. Nays, 6: Kibbie, Black, Connolly, Courtney, Dearden, and Ragan. Absent, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2167, a bill for an act to eliminate the inspections division of the department of inspections and appeals.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Veenstra, and Ward. Nays, none. Absent, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2318, a bill for an act relating to the filing of statements of organization or dissolution by a political or candidate's committee, and regulating campaign and other contributions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Veenstra, and Ward. Nays, none. Absent, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2452, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Veenstra, and Ward. Nays, none. Absent, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2467, a bill for an act relating to the quorum requirement for the IowAccess advisory council.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Veenstra, and Ward. Nays, none. Absent, 1: Tinsman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|-----------------------------------|
| S-5096 | S.F. | 2290 | Ken Veenstra |
| S-5097 | S.F. | 2070 | House |
| S-5098 | S.F. | 2280 | Neal Schuerer |
| S-5099 | S.F. | 2281 | Steve Kettering |
| S-5100 | H.F. | 2340 | Steve Kettering |
| S-5101 | S.F. | 2154 | Donald B. Redfern |
| S-5102 | S.F. | 2281 | Steve Kettering |
| S-5103 | H.F. | 2281 | Natural Resources and Environment |
| S-5104 | S.F. | 2257 | Steve Kettering Joe Bolkcom |
| S-5105 | H.F. | 2186 | David Miller |
| S-5106 | S.F. | 2289 | David Miller |
| S-5107 | S.F. | 2257 | Steve Kettering |
| S-5108 | S.F. | 2290 | House |
| S-5109 | S.F. | 2274 | Keith A. Kreiman |
| S-5110 | S.F. | 2257 | Steve Kettering |

JOURNAL OF THE SENATE

SIXTY-SIXTH CALENDAR DAY
THIRTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 17, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Ellerbusch, pastor of the Bethany Lutheran Church in Emmetsburg, Iowa. He was the guest of Senator Kibbie.

The Journal of Tuesday, March 16, 2004, was approved.

SPECIAL GUESTS

Senator Kibbie introduced the Honorable Pat Breen T.D. and his wife Anne. Mr. Breen is a Fine Gael member of the Irish Parliament and represents County Clare. In 2002, Mr. Breen was elected to the 29th Dáil Éireann (Irish House). He was elected to Clare County Council in 1999, when he secured the highest Fine Gael vote in the county on his first attempt. Mr. Breen is a Fine Gael deputy spokesperson on Transport and also party spokesperson on Shannon Airport. He is also currently a member of the Clare V.E.C. (Clare Vocational Educational).

Mr. Breen addressed the Senate with brief remarks.

Senator Boettger presented Mr. Breen gifts on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senator Kibbie introduced 2004 Miss Shamrock Hilary Hansen and her escort Rachel Rouse. Also present were Mickey Conlon, Chairman of the St. Patrick's Association, and Andy and Kim Joyce, escorts for the Breens.

The Senate rose and expressed its welcome.

HOUSE MESSAGE RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 16, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2484, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:50 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:52 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 114.

Senate Concurrent Resolution 114

On motion of Senator Putney, **Senate Concurrent Resolution 114**, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of Senate Concurrent Resolution 114, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Putney welcomed to the Senate chamber members of the Iowa State Fair Board and staff.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 114** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:58 a.m. until 2:00 p.m.

APPENDIX — 1

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 17, 2004:

AGRICULTURE

Cheryl Adam – Agricultural Development Authority
Evelyn Rank – Agricultural Development Authority
Jayme Ungs – Agricultural Development Authority

Edwin Hershberger – Iowa Grain Indemnity Fund Board
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

BUSINESS AND LABOR RELATIONS

John Peno – Employment Appeal Board

Neil Barrick – Public Employment Relations Board
M. Sue Warner – Public Employment Relations Board

Richard Running – Director of the Iowa Department of Workforce Development

Rosa Bailey – Iowa Workforce Development Board
Jean Logan – Iowa Workforce Development Board
Ken Sagar – Iowa Workforce Development Board

COMMERCE

Paul Becker – Credit Union Review Board
Becky Hansen – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

Catherine Hult – Title Guaranty Division Board

ECONOMIC GROWTH

Burt Chojnowski – Iowa Capital Investment Board

Linda Bloodsworth – Iowa Economic Development Board
Julie Carlson – Iowa Economic Development Board
Jerry Courtney – Iowa Economic Development Board

David Bernstein – Economic Development Marketing Board
 Chris Harshbarger – Economic Development Marketing Board

Gerald Kirke – Grow Iowa Values Board
 Toby Shine – Grow Iowa Values Board

Martha Jane Bell – Loan and Credit Guarantee Advisory Board
 Robert Snodgrass – Loan and Credit Guarantee Advisory Board

Dawn Connet – Small Business Advisory Council
 James Davis – Small Business Advisory Council
 Elizabeth Garst – Small Business Advisory Council
 Kimberly Kudrna – Small Business Advisory Council
 Timothy Neugent – Small Business Advisory Council

EDUCATION

Frederick (Ted) Stilwill – Director of the Department of Education

Rosemarie Hussey – State Board of Education
 Jonathan Wilson – State Board of Education

Stephanie Savage – Iowa Higher Education Loan Authority

Clark Yeager – School Budget Review Committee

HUMAN RESOURCES

Edward Crowley – Board of Athletic Training Examiners
 Brett Raasch – Board of Athletic Training Examiners

James Anastasi – Board of Behavioral Science Examiners
 Linda Nebbe – Board of Behavioral Science Examiners

Douglas Elliott – Commission for the Blind

Lois Eichacker – Commission on Community Action Agencies
 Bob Knowler – Commission on Community Action Agencies
 Marc Lindeen – Commission on Community Action Agencies
 Tammy Wetjen-Kesterson – Commission on Community Action Agencies
 Catherine Whitfield – Commission on Community Action Agencies

Tina Lynch – Commission on the Deaf
 Kathy Miller – Commission on the Deaf
 Karen Potter-Maxwell – Commission on the Deaf

Kathleen Buckwalter – Commission of Elder Affairs
 Lisa Carlson – Commission of Elder Affairs
 Hazel Chuck – Commission of Elder Affairs
 Craig Downing – Commission of Elder Affairs

Scott Beall – Iowa Empowerment Board
Christopher Carman – Iowa Empowerment Board
Sally Hartley – Iowa Empowerment Board
Darshini Jayawardena – Iowa Empowerment Board
Douglas Peters – Iowa Empowerment Board

John Baker – Healthy and Well Kids in Iowa (HAWK-I) Board
Wanda Wyatt-Hardwick – Healthy and Well Kids in Iowa (HAWK-I) Board

Russell Finken – Mental Health and Developmental Disabilities Commission
Jon Grate – Mental Health and Developmental Disabilities Commission
Mary Hughes – Mental Health and Developmental Disabilities Commission
Lori Reynolds – Mental Health and Developmental Disabilities Commission
Carl Smith – Mental Health and Developmental Disabilities Commission

Edward Friedmann – Board of Physician Assistant Examiners
Fred Strickland – Board of Physician Assistant Examiners

Claibourne Dungy – Prevention of Disabilities Policy Council
Scott Lindgren – Prevention of Disabilities Policy Council
Thomas Slater – Prevention of Disabilities Policy Council

David Carlyle – Commission on Tobacco Use Prevention and Control
Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

Angelica Cardenas-Chaisson – Commission on the Status of Women
Francis Giunta – Commission on the Status of Women
Holly Mennen-Sagar – Commission on the Status of Women
Kimberly Painter – Commission on the Status of Women
Michael Whitlatch – Commission on the Status of Women

JUDICIARY

Ralph Rosenberg – Executive Director of the Iowa State Civil Rights Commission

Ed Barnes – Iowa Drug Policy Advisory Council
Douglas Book – Iowa Drug Policy Advisory Council

Richard Bordwell – Board of Parole

Thomas Becker – State Public Defender

LOCAL GOVERNMENT

Dennis Plautz – City Development Board

Judy Clark – Mental Health Risk Pool Board
Sally Stutsman – Mental Health Risk Pool Board

STATE GOVERNMENT

Susan Loy – Accountancy Examining Board
Carol Schuster – Accountancy Examining Board
Wesley Stille – Accountancy Examining Board

Gilbert “Ron” Dardis – State of Iowa Adjutant General

Beverly Allen – Commission on the Status of African-Americans
Jamie Howard – Commission on the Status of African-Americans
Thomas Simmons – Commission on the Status of African-Americans
Loretha Teggatz – Commission on the Status of African-Americans
Jerome Thomas – Commission on the Status of African-Americans

Carolyn Cavitt – 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

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners
Jack Morlan – Board of Cosmetology Arts and Sciences Examiners

Deena Kuempel – Board of Dental Examiners
Richard Reay – Board of Dental Examiners
Peter Vidal – Board of Dental Examiners

Jean Anderson – Board of Dietetic Examiners

Susan Lagneaux – Iowa Emergency Response Commission

Patricia Heigel – Engineering and Land Surveying Examining Board
Dennis Osipowicz – Engineering and Land Surveying Examining Board

Betsy Roe – Iowa Ethics and Campaign Disclosure Board
John Walsh – Iowa Ethics and Campaign Disclosure Board

Gregory Hoyman – Board for the Licensing and Regulation of Hearing Aid Dispensers
Gregory Moore – Board for the Licensing and Regulation of Hearing Aid Dispensers

Mary Elizabeth Brandsgard – Information Technology Council
Sandra Glenn – Information Technology Council
Timothy Lapointe – Information Technology Council

Sheila Castaneda – IowaAccess Advisory Council
Kelly Hayworth – IowaAccess Advisory Council
Richard Neri – IowaAccess Advisory Council
Herbert Strentz – IowaAccess Advisory Council

Phyllis Peterson – Investment Board of the IPERS

Jon Crose – Landscape Architectural Examining Board

Julie Westerheim – Landscape Architectural Examining Board

Timothy Clausen – Iowa Lottery Authority Board of Directors

Mary Belieu – Board of Examiners for Massage Therapy

Cindy Pancratz – Board of Examiners for Massage Therapy

Blaine Houmes – Board of Medical Examiners

Russell Lee – Board of Medical Examiners

Yasyn Lee – Board of Medical Examiners

Paul Thurlow – Board of Medical Examiners

Margaret Eicher – Board of Mortuary Science Examiners

Eugene Siegert – Board of Mortuary Science Examiners

Clyde Bradley – Board of Nursing Examiners

Jane Hasek – Board of Nursing Examiners

William Miller – Board of Nursing Examiners

Margaret Beaty – State Board of Examiners for Nursing Home Administrators

Judy Weller – State Board of Examiners for Nursing Home Administrators

Connie Connolly – Board of Optometry Examiners

Christopher Olson – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System Trustee

Kathleen Halloran – 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

Jill Scholz – Board of Podiatry Examiners

Matthew Wilber – Board of Podiatry Examiners

Francisco Barrios – Board of Psychology Examiners

Sandra Dirks – Board of Psychology Examiners

Michael Mahaffey – State Racing and Gaming Commission

Richard DeHeer – Real Estate Appraiser Examining Board

Richard Koestner – Real Estate Appraiser Examining Board

Donald Marple – Real Estate Commission

Kerry George – State Board for Respiratory Care

Lance Clemesen – Board of Social Work Examiners
 Ken Zimmerman – Board of Social Work Examiners

Jason Aird – Board of Speech Pathology and Audiology Examiners
 Coral Jud – Board of Speech Pathology and Audiology Examiners

Arthur Dayton – Commission of Veterans Affairs
 Darlene McMartin – Commission of Veterans Affairs
 Steven Mulcahy – Commission of Veterans Affairs

Earl Goerdts – Iowa Board of Veterinary Medicine

Lorna Burnside – Vision Iowa Board
 Gregg Connell – Vision Iowa Board
 Mike Edwards – Vision Iowa Board
 Cathy Reece – Vision Iowa Board

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council
 Niki Dean – Iowa Law Enforcement Academy Council

Mark Wandro – Director of the Iowa Department of Transportation

Suzan Boden – State Transportation Commission
 Barbara Mac Gregor – State Transportation Commission

WAYS AND MEANS

Michael Tramontina – Executive Director of the Iowa Finance Authority

Jonathon Muller – Iowa Railway Finance Authority

CERTIFICATES OF RECOGNITION

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

Anne McInerney Breen, County Clare, Ireland—For being an honorary Iowan. Senator Beall (3/17/04).

The Honorable Pat Breen, County Clare, Ireland—For being an honorary Iowan. Senator Beall (3/17/04)

Steve Eastvedt, Dubuque—For receiving the Governor's "Above and Beyond" service recognition. Senator Connolly (2/26/04).

Coach Jill Harbst, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Coach Craig Hough, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Coach Eric Hjelle, Underwood—For leading the Underwood Girls' Basketball Team in winning two consecutive state championships. Senator Seymour (3/19/04).

Alma Julifs, Pomeroy—For celebrating your 90th birthday on March 15, 2004. Senator Beall (3/15/04).

City of Manchester—For being recognized by KWWL Channel 7 as an Iowa Proud Community. Senator Hosch (3/17/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 17, 2004, 1:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Bolkcom, Connolly, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: Black and Dotzler (both excused).

Committee Business: Passed SF 2250 (as amended).

Adjourned: 1:20 p.m.

RULES AND ADMINISTRATION

Convened: March 17, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Approved the list of Governor's appointees.

Adjourned: 8:45 a.m.

WAYS AND MEANS

Convened: March 17, 2004, 11:10 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Dotzler and McCoy (both excused).

Committee Business: Passed SF 2115.

Adjourned: 11:35 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 17, 2004, 9:40 a.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

Members Absent: None.

Committee Business: Distributed committee bill to members.

Adjourned: 10:10 a.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 17, 2004, 9:40 a.m.

Members Present: Gaskill, Chair; Houser, Vice Chair; Black, Ranking Member; Seng and Seymour.

Members Absent: None.

Committee Business: Presentation on the budget by representative of the Department of Natural Resources.

Recessed: 9:45 a.m.

Reconvened: 9:50 a.m.

Adjourned: 10:55 a.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: March 17, 2004, 9:40 a.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Discussion on the appropriations budget.

Adjourned: 10:25 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate File 2283

APPROPRIATIONS: Ziemann, Chair; Connolly and Veenstra

House File 2315

AGRICULTURE: Gaskill, Chair; Johnson and Kibbie

House File 2352

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

House File 2392

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Brunkhorst and Kibbie

House File 2462

HUMAN RESOURCES: McKinley, Chair; Behn and Holveck

House File 2464

HUMAN RESOURCES: Ragan, Chair; Seymour and Veenstra

House File 2475

AGRICULTURE: Seng, Chair; Angelo and Johnson

House File 2480

JUDICIARY: Ward, Chair; Boettger and McCoy

House File 2481

JUDICIARY: Tinsman, Chair; Gaskill and Holveck

House File 2505

JUDICIARY: Brunkhorst, Chair; Horn and Kettering

House File 2538

APPROPRIATIONS: Angelo, Chair; Lamberti and Warnstadt

AFTERNOON SESSION

The Senate reconvened at 2:03 p.m., President Lamberti presiding.

The Senate stood at ease at 2:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:48 p.m., President Lamberti presiding.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2241.

Senate File 2241

On motion of Senator Houser, **Senate File 2241**, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date, was taken up for consideration.

Senator Houser asked and received unanimous consent that **House File 2403** be **substituted** for **Senate File 2241**.

House File 2403

On motion of Senator Houser, **House File 2403**, a bill for an act providing for the administration of fairs, providing for the allocation of moneys, and providing for an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2403), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cconnolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Houser asked and received unanimous consent that **Senate File 2241** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2237 and 2210.

Senate File 2237

On motion of Senator Brunkhorst, **Senate File 2237**, a bill for an act relating to the minimum amount of instructional time accredited schools are required to provide, with report of committee without recommendation, was taken up for consideration.

Senator Brunkhorst offered amendment S-5089, filed by Senators Brunkhorst and Beall on March 11, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5089 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2237), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Beall | Gaskill | Lamberti | Seng |
| Behn | Gronstal | Lundby | Seymour |
| Black | Hatch | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, 1:

Dvorsky

Absent, 1:

Larson

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

Senate File 2210

On motion of Senator Gaskill, **Senate File 2210**, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2210), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2210 and 2237** and **House File 2403** 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 2157.

Senate File 2157

On motion of Senator Miller, **Senate File 2157**, a bill for an act relating to the uniform limited partnership Act and providing a penalty and effective date, was taken up for consideration.

Senator Miller asked and received unanimous consent that **House File 2347** be **substituted** for **Senate File 2157**.

House File 2347

On motion of Senator Miller, **House File 2347**, a bill for an act relating to the uniform limited partnership Act and providing a penalty and 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?" (H.F. 2347), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

WITHDRAWN

Senator Miller asked and received unanimous consent that **Senate File 2157** 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 House File 2373.

House File 2373

On motion of Senator Putney, **House File 2373**, a bill for an act providing for the inapplicability of provisions regulating licensed real estate brokers and salespersons to auctioneers under specified circumstances, and providing penalties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2373), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, 1:

Miller

Absent, 1:

Larson

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

President Pro Tempore Angelo took the chair at 3:17 p.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2070

Senator Putney called up for consideration **Senate File 2070**, a bill for an act relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates, amended by the House in House amendment S-5097, filed March 16, 2004.

Senator Putney 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 Putney 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. 2070), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate File 2070** and **House Files 2347** and **2373** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2270 and 2233.

Senate File 2270

On motion of Senator Miller, **Senate File 2270**, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, 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. 2270), the vote was:

Yeas, 49:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |

| | | | |
|---------|-----------|----------|--------|
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2233

On motion of Senator Redfern, **Senate File 2233**, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service, was taken up for consideration.

Senator McCoy asked and received unanimous consent that action on **Senate File 2233** be **deferred**.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate File 2270** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2274 and 2257.

Senate File 2274

On motion of Senator Kreiman, **Senate File 2274**, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates, was taken up for consideration.

Senator Kreiman withdrew amendment S-5043, filed by him on March 8, 2004, to pages 2, 11, 30, 46, 74, 129, and 137 of the bill.

Senator Kreiman offered amendment S-5109, filed by him on March 16, 2004, to pages 2, 5, 7, 11, 17, 30, 46, 74, 128, 129, 131, 135, and 137 of the bill, and moved its adoption.

Amendment S-5109 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2274), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2257

On motion of Senator Kettering, **Senate File 2257**, a bill for an act relating to the use of credit information for underwriting or rating risks for personal lines of property and casualty insurance and providing an applicability date, was taken up for consideration.

Senator Kettering offered amendment S-5104, filed by Senators Kettering and Bolkom on March 16, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Warnstadt offered amendment S-5113, filed by Senators Warnstadt and Kettering from the floor to page 2 of amendment S-5104, and moved its adoption.

Amendment S-5113 was adopted by a voice vote.

Senator Kettering withdrew amendment S-5110, filed by him on March 16, 2004, to page 2 of amendment S-5104.

Senator Kettering offered amendment S-5107, filed by him on March 16, 2004, to pages 3 and 5 of amendment S-5104, and moved its adoption.

Amendment S-5107 was adopted by a voice vote.

Senator Kettering moved the adoption of amendment S-5104, as amended.

Amendment S-5104 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2257), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 Veenstra asked and received unanimous consent that **Senate Files 2257** and **2274** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2275.

Senate File 2275

On motion of Senator Redfern, **Senate File 2275**, a bill for an act relating to criminal sentencing practice and procedure, was taken up for consideration.

Senator Dvorsky withdrew amendment S-5112, filed by him from the floor to page 1 and to the title page of the bill.

Senator Dvorsky offered amendment S-5114, filed by him from the floor to page 1 and to the title page of the bill.

Senator Redfern raised the point of order that amendment S-5114 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5114 out of order.

Senator Redfern offered amendment S-5115, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5115 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. 2275), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2153.

Senate File 2153

On motion of Senator Dotzler, **Senate File 2153**, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, was taken up for consideration.

Senator Dotzler offered amendment S-5117, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5117 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2153), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2153 and 2275** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 114, a concurrent resolution honoring the Iowa State Fair in its sesquicentennial year.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:29 p.m. until 8:30 a.m., Thursday, March 18, 2004.

APPENDIX — 2

CERTIFICATE OF RECOGNITION

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

Margaret DuMond, Waterloo—For celebrating your 90th birthday on March 17, 2004. Senator Dotzler (3/17/04).

REPORT OF COMMITTEE MEETING

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 17, 2004, 9:30 a.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Reviewed proposed committee bill and amendments.

Adjourned: 10:30 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 131, by Johnson, Shull, Angelo, Zieman, Miller, Tinsman, Houser, McKinley, Hosch, Kettering, Brunkhorst, Gaskill, Boettger, McKibben, Sievers, Schuerer, Ward, Veenstra, Drake, Redfern, Lundby, Seymour, Behn, Wieck, Rehberg, Putney, Lamberti, Iverson, Beall, Quirnbach, Kreiman, Warnstadt, Bolkcom, Seng, McCoy, Courtney, Ragan, Holveck, Kibbie, Connolly, Dvorsky, Stewart, Horn, Fraise, Dearden, Dotzler, Hatch, and Gronstal, a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian.

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

Senate Resolution 132, by Lundby, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year.

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

INTRODUCTION OF BILLS

Senate File 2291, by committee on Ways and Means, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

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

Senate File 2292, by committee on Appropriations, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

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

STUDY BILLS RECEIVED

SSB 3167 Ways and Means

Relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

SSB 3168 Ways and Means

Relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENTS

House File 2434

COMMERCE: Putney, Chair; Beall and Wieck

House File 2484

COMMERCE: Wieck, Chair; Kettering and Stewart

SSB 3167

WAYS AND MEANS: McKinley, Chair; Bolkcom and McKibben

SSB 3168

WAYS AND MEANS: Sievers, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2292 (formerly SF 2250), a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Bolkcom, Connolly, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 2: Black and Dotzler.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2292, and they were attached to the committee report.

WAYS AND MEANS

Bill Title: *SENATE FILE 2291 (formerly SF 2115), a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Angelo, Connolly, Hosch, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Dotzler and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2291, and they were attached to the committee report.

BILL ASSIGNED TO COMMITTEE

President Lamberti announced that **House File 2434** was assigned to the **Commerce** committee.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 17th day of March, 2004:

Senate Files 2059, 2166, 2189, 2240, 2253, 2261, and 2290.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | | |
|--------|------|------|------------------------------------|
| S-5111 | S.F. | 2255 | Nancy J. Boettger |
| S-5112 | S.F. | 2275 | Robert E. Dvorsky |
| S-5113 | S.F. | 2257 | Steve Warnstadt Steve Kettering |
| S-5114 | S.F. | 2275 | Robert E. Dvorsky |
| S-5115 | S.F. | 2275 | Donald B. Redfern |
| S-5116 | S.F. | 2264 | Larry McKibben |
| S-5117 | S.F. | 2153 | William A. Dotzler, Jr. |
| S-5118 | S.F. | 2273 | Kitty Rehberg |

JOURNAL OF THE SENATE

SIXTY-SEVENTH CALENDAR DAY
FORTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 18, 2004

The Senate met in regular session at 8:35 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

The Journal of Wednesday, March 17, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 17, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2007, 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.

ALSO: That the House has on March 17, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 22, a bill for an act relating to the awarding of joint physical care of a child.

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

House File 2357, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties.

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

House File 2381, a bill for an act changing the budget certification deadline for county hospital budgets.

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

House File 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

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

House File 2471, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date.

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

House File 2486, a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties.

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

House File 2506, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

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

House File 2515, a bill for an act relating to the keeping of farm deer.

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

House File 2518, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship.

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

House File 2522, a bill for an act relating to evidence in a sexual abuse case.

Read first time and **attached to similar Senate File 2260**.

House File 2533, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act.

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

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Ziemann asked and received unanimous consent to take up for consideration Senate Resolution 130.

Senate Resolution 130

On motion of Senator Dearden, **Senate Resolution 130**, a resolution honoring Haley Dunn, with report of committee recommending passage, was taken up for consideration.

Senator Dearden moved the adoption of Senate Resolution 130, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Dearden welcomed to the Senate chamber accomplished skeet shooter Ms. Haley Dunn. Ms. Dunn addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

ADJOURNMENT

On motion of Senator Zieman, the Senate adjourned at 8:45 a.m. until 1:00 p.m., Monday, March 22, 2004.

APPENDIX

APPOINTMENTS TO BOARDS AND COMMISSIONS

In accordance with Senate Rule 59, the following senators were appointed to subcommittees of standing committees on March 18, 2004, to investigate the appointment and reappointment of the following appointees:

AGRICULTURE

As members of the Agricultural Development Authority:

CHERYL ADAM – Courtney, Chair; Behn and Gaskill
EVELYN RANK – Houser, Chair; Courtney and Veenstra
JAYME UNGS – Behn, Chair; Courtney and Zieman

As members of the Iowa Grain Indemnity Fund Board:

EDWIN HERSHBERGER – Putney, Chair; Fraise and Johnson
THOMAS KALDENBERG – Courtney, Chair; Angelo and Johnson

As a member of the State Soil Conservation Committee:

JODY KERNS – Hosch, Chair; Black and Gaskill

BUSINESS AND LABOR RELATIONS

As a member of the Employment Appeal Board:

JOHN PENO – Dearden, Chair; Johnson and Seymour

As members of the Public Employment Relations Board:

NEIL BARRICK – Dotzler, Chair; Johnson and Kettering
M. SUE WARNER – Courtney, Chair; Lundby and Wieck

As Director of the Iowa Department of Workforce Development:

RICHARD RUNNING – Horn, Chair; Lundby and McKibben

As members of the Iowa Workforce Development Board:

ROSA BAILEY – Dearden, Chair; Johnson and Schuerer
JEAN LOGAN – Courtney, Chair; Seymour and Wieck
KEN SAGAR – Horn, Chair; Kettering and Schuerer

COMMERCE

As members of the Credit Union Review Board:

PAUL BECKER – Beall, Chair; Kettering and Schuerer
BECKY HANSEN – Sievers, Chair; Bolkcom and Putney

As a member of the Iowa Telecommunications and Technology Commission:

PAMELA DUFFY – Behn, Chair; McCoy and Wieck

As a member of the Title Guaranty Division Board:

CATHERINE HULT – Sievers, Chair; Bolkcom and Putney

ECONOMIC GROWTH

As a member of the Iowa Capital Investment Board:

BURT CHOJNOWSKI – Putney, Chair; Hatch and Veenstra

As members of the Iowa Economic Development Board:

LINDA BLOODSWORTH – McKinley, Chair; Rehberg and Stewart
JULIE CARLSON – McKinley, Chair; Rehberg and Stewart
JERRY COURTNEY – McKinley, Chair; Rehberg and Stewart

As members of the Economic Development Marketing Board:

DAVID BERNSTEIN – Boettger, Chair; Rehberg and Stewart
CHRIS HARSHBARGER – Boettger, Chair; Rehberg and Stewart

As members of the Grow Iowa Values Board:

GERALD KIRKE – Ward, Chair; Beall and Rehberg
TOBY SHINE – Ward, Chair; Beall and Rehberg

As members of the Loan and Credit Guarantee Advisory Board:

MARTHA JANE BELL – Seymour, Chair; Dotzler and Shull
ROBERT SNODGRASS – Seymour, Chair; Dotzler and Shull

As members of the Small Business Advisory Council:

DAWN CONNET – McKinley, Chair; Rehberg and Stewart
 JAMES DAVIS – McKinley, Chair; Rehberg and Stewart
 ELIZABETH GARST – McKinley, Chair; Rehberg and Stewart
 KIMBERLY KUDRNA – McKinley, Chair; Rehberg and Stewart
 TIMOTHY NEUGENT – McKinley, Chair; Rehberg and Stewart

EDUCATION

As Director of the Department of Education:

FREDERICK (TED) STILWILL – Boettger, Chair; Connolly and McKinley

As members of the State Board of Education:

ROSEMARIE HUSSEY – Brunkhorst, Chair; Behn and Holveck
 JONATHAN WILSON – McKinley, Chair; Kreiman and Rehberg

As a member of the Iowa Higher Education Loan Authority:

STEPHANIE SAVAGE – Hosch, Chair; Beall and Rehberg

As a member of the School Budget Review Committee:

CLARK YEAGER – Kreiman, Chair; Brunkhorst and Redfern

HUMAN RESOURCES

As members of the Board of Athletic Training Examiners:

EDWARD CROWLEY – Hatch, Chair; Behn and Boettger
 BRETT RAASCH – Hatch, Chair; Behn and Boettger

As members of the Board of Behavioral Science Examiners:

JAMES ANASTASI – Kreiman, Chair; Hosch and Tinsman
 LINDA NEBBE – Kreiman, Chair; Hosch and Tinsman

As a member of the Commission for the Blind:

DOUGLAS ELLIOTT – Behn, Chair; Holveck and Hosch

As members of the Commission on Community Action Agencies:

LOIS EICHACKER – Kreiman, Chair; Hosch and Tinsman
 BOB KNOWLER – Kreiman, Chair; Hosch and Tinsman
 MARC LINDEEN – Kreiman, Chair; Hosch and Tinsman
 TAMMY WETJEN-KESTERSON – Kreiman, Chair; Hosch and Tinsman
 CATHERINE WHITFIELD – Kreiman, Chair; Hosch and Tinsman

As members of the Commission on the Deaf:

TINA LYNCH – Horn, Chair; McKinley and Schuerer
KATHY MILLER – Horn, Chair; McKinley and Schuerer
KAREN POTTER-MAXWELL – Horn, Chair; McKinley and Schuerer

As members of the Commission of Elder Affairs:

KATHLEEN BUCKWALTER – Tinsman, Chair; Hatch and Schuerer
LISA CARLSON – Tinsman, Chair; Hatch and Schuerer
HAZEL CHUCK – Tinsman, Chair; Hatch and Schuerer
CRAIG DOWNING – Tinsman, Chair; Hatch and Schuerer

As members of the Iowa Empowerment Board:

SCOTT BEALL – Tinsman, Chair; Horn and Hosch
CHRISTOPHER CARMAN – Tinsman, Chair; Horn and Hosch
SALLY HARTLEY – Tinsman, Chair; Horn and Hosch
DARSHINI JAYAWARDENA – Tinsman, Chair; Horn and Hosch
DOUGLAS PETERS – Tinsman, Chair; Horn and Hosch

As members of the Healthy and Well Kids in Iowa (HAWK-I) Board:

JOHN BAKER – Veenstra, Chair; Behn and Kreiman
WANDA WYATT-HARDWICK – Veenstra, Chair; Behn and Kreiman

As members of the Mental Health and Developmental Disabilities Commission:

RUSSELL FINKEN – Veenstra, Chair; Hatch and Seymour
JON GRATE – Veenstra, Chair; Hatch and Seymour
MARY HUGHES – Veenstra, Chair; Hatch and Seymour
LORI REYNOLDS – Veenstra, Chair; Hatch and Seymour
CARL SMITH – Veenstra, Chair; Hatch and Seymour

As members of the Board of Physician Assistant Examiners:

EDWARD FRIEDMANN – Seymour, Chair; Boettger and Horn
FRED STRICKLAND – Seymour, Chair; Boettger and Horn

As members of the Prevention of Disabilities Policy Council:

CLAIBOURNE DUNGY – Ragan, Chair; Behn and Tinsman
SCOTT LINDGREN – Ragan, Chair; Behn and Tinsman
THOMAS SLATER – Ragan, Chair; Behn and Tinsman

As members of the Commission on Tobacco Use Prevention and Control:

DAVID CARLYLE – Horn, Chair; Hosch and Schuerer
SHARON WELLENDORF – Horn, Chair; Hosch and Schuerer

As members of the Commission on the Status of Women:

ANGELICA CARDENAS-CHAISSON – Holveck, Chair; Behn and Hosch
 FRANCIS GIUNTA – Holveck, Chair; Behn and Hosch
 HOLLY MENNEN-SAGAR – Holveck, Chair; Behn and Hosch
 KIMBERLY PAINTER – Holveck, Chair; Behn and Hosch
 MICHAEL WHITLATCH – Holveck, Chair; Behn and Hosch

JUDICIARY

As Executive Director of the Iowa State Civil Rights Commission:

RALPH ROSENBERG – Quirnbach, Chair; McKibben and Redfern

As members of the Iowa Drug Policy Advisory Council:

ED BARNES – McCoy, Chair; Boettger and Redfern
 DOUGLAS BOOK – Gaskill, Chair; Holveck and Ward

As a member of the Board of Parole:

RICHARD BORDWELL – Miller, Chair; Brunkhorst and Fraise

As State Public Defender:

THOMAS BECKER – Ward, Chair; McCoy and Tinsman

LOCAL GOVERNMENT

As a member of the City Development Board:

DENNIS PLAUTZ – Kettering, Chair; Hatch and Houser

As members of the Mental Health Risk Pool Board:

JUDY CLARK – Houser, Chair; Quirnbach and Seymour
 SALLY STUTSMAN – Hosch, Chair; Seymour and Stewart

STATE GOVERNMENT

As members of the Accountancy Examining Board:

SUSAN LOY – Courtney, Chair; Sievers and Zieman
 CAROL SCHUSTER – Dearden, Chair; Drake and Johnson
 WESLEY STILLE – Johnson, Chair; Ragan and Schuerer

As State of Iowa Adjutant General:

GILBERT “RON” DARDIS – Connolly, Chair; Veenstra and Ward

As members of the Commission on the Status of African-Americans:

BEVERLY ALLEN – Kibbie, Chair; Johnson and Tinsman
JAMIE HOWARD – Dearden, Chair; Drake and Johnson
THOMAS SIMMONS – Drake, Chair; Dearden and Tinsman
LORETHA TEGGATZ – Shull, Chair; Black and Ward
JEROME THOMAS – Tinsman, Chair; Ragan and Zieman

As a member of the Alcoholic Beverages Commission:

CAROLYN CAVITT – Tinsman, Chair; Ragan and Zieman

As members of the Architectural Examining Board:

DALE MCKINNEY – Ragan, Chair; Shull and Sievers
SUSAN MCKINNEY – Kibbie, Chair; Johnson and Tinsman

As a member of the Board of Barber Examiners:

STUART PRESTON – Dearden, Chair; Drake and Johnson

As a member of the Board of Chiropractic Examiners:

ROD REBARCAK – Kibbie, Chair; Johnson and Tinsman

As members of the Board of Cosmetology Arts and Sciences Examiners:

BECKY BROCKMANN – Ragan, Chair; Shull and Sievers
JACK MORLAN – Dearden, Chair; Drake and Johnson

As members of the Board of Dental Examiners:

DEENA KUEMPEL – Courtney, Chair; Sievers and Zieman
RICHARD REAY – Ragan, Chair; Shull and Sievers
PETER VIDAL – Sievers, Chair; Drake and Kibbie

As a member of the Board of Dietetic Examiners:

JEAN ANDERSON – Black, Chair; Schuerer and Shull

As a member of the Iowa Emergency Response Commission:

SUSAN LAGNEAUX – Dearden, Chair; Drake and Johnson

As members of the Engineering and Land Surveying Examining Board:

PATRICIA HEAGEL – Kibbie, Chair; Johnson and Tinsman
DENNIS OSIPOWICZ – Connolly, Chair; Veenstra and Ward

As members of the Iowa Ethics and Campaign Disclosure Board:

BETSY ROE – Connolly, Chair; Veenstra and Ward
JOHN WALSH – Drake, Chair; Dearden and Tinsman

As members of the Board for the Licensing and Regulation of Hearing Aid Dispensers:

GREGORY HOYMAN – Courtney, Chair; Sievers and Ziemann
GREGORY MOORE – Courtney, Chair; Sievers and Ziemann

As members of the Information Technology Council:

MARY ELIZABETH BRANDSGARD – Johnson, Chair; Ragan and Schuerer
SANDRA GLENN – Shull, Chair; Black and Ward
TIMOTHY LAPOINTE – Ragan, Chair; Shull and Sievers

As members of the IowaAccess Advisory Council:

SHEILA CASTANEDA – Shull, Chair; Black and Ward
KELLY HAYWORTH – Ward, Chair; Courtney and Ziemann
RICHARD NERI – Kibbie, Chair; Johnson and Tinsman
HERBERT STRENTZ – Schuerer, Chair; Kibbie and Veenstra

As a member of the Investment Board of the IPERS:

PHYLLIS PETERSON – Ziemann, Chair; Connolly and Ward

As members of the Landscape Architectural Examining Board:

JON CROSE – Black, Chair; Schuerer and Shull
JULIE WESTERHEIM – Schuerer, Chair; Kibbie and Veenstra

As a member of the Iowa Lottery Authority Board of Directors:

TIMOTHY CLAUSEN – Veenstra, Chair; Black and Sievers

As members of the Board of Massage Therapy Examiners:

MARY BELIEU – Dearden, Chair; Drake and Johnson
CINDY PANCRATZ – Courtney, Chair; Sievers and Ziemann

As members of the Board of Medical Examiners:

BLAINE HOUMES – Courtney, Chair; Sievers and Ziemann
RUSSELL LEE – Kibbie, Chair; Johnson and Tinsman
YASYN LEE – Black, Chair; Schuerer and Shull
PAUL THURLOW – Veenstra, Chair; Black and Sievers

As members of the Board of Mortuary Science Examiners:

MARGARET EICHER – Ragan, Chair; Shull and Sievers
EUGENE SIEGERT – Sievers, Chair; Drake and Kibbie

As members of the Board of Nursing Examiners:

CLYDE BRADLEY – Drake, Chair; Dearden and Tinsman
JANE HASEK – Veenstra, Chair; Black and Sievers
WILLIAM MILLER – Connolly, Chair; Veenstra and Ward

As members of the State Board of Examiners for Nursing Home Administrators:

MARGARET BEATY – Courtney, Chair; Sievers and Zieman
JUDY WELLER – Johnson, Chair; Ragan and Schuerer

As members of the Board of Optometry Examiners:

CONNIE CONNOLLY – Kibbie, Chair; Johnson and Tinsman
CHRISTOPHER OLSON – Black, Chair; Schuerer and Shull

As Peace Officers' Retirement, Accident, and Disability System Trustee:

TERRANCE LILLIS – Connolly, Chair; Veenstra and Ward

As members of the Board of Pharmacy Examiners:

KATHLEEN HALLORAN – Tinsman, Chair; Ragan and Zieman
MICHAEL SEIFERT – Ragan, Chair; Shull and Sievers

As members of the Board of Physical and Occupational Therapy Examiners:

CHERYL STEWART – Ward, Chair; Courtney and Zieman
MARTIN UNGS – Veenstra, Chair; Black and Sievers
KURT WALDERBACH – Sievers, Chair; Drake and Kibbie

As members of the Board of Podiatry Examiners:

ERIC JENSEN – Ragan, Chair; Shull and Sievers
JILL SCHOLZ – Courtney, Chair; Sievers and Zieman
MATTHEW WILBER – Shull, Chair; Black and Ward

As members of the Board of Psychology Examiners:

FRANCISCO BARRIOS – Connolly, Chair; Veenstra and Ward
SANDRA DIRKS – Drake, Chair; Dearden and Tinsman

As a member of the State Racing and Gaming Commission:

MICHAEL MAHAFFEY – Ward, Chair; Courtney and Zieman

As members of the Real Estate Appraiser Examining Board:

RICHARD DEHEER – Dearden, Chair; Drake and Johnson
RICHARD KOESTNER – Black, Chair; Schuerer and Shull

As a member of the Real Estate Commission:

DONALD MARPLE – Dearden, Chair; Drake and Johnson

As a member of the State Board for Respiratory Care:

KERRY GEORGE – Schuerer, Chair; Kibbie and Veenstra

As members of the Board of Social Work Examiners:

LANCE CLEMSEN – Ward, Chair; Courtney and Zieman

KEN ZIMMERMAN – Tinsman, Chair; Ragan and Zieman

As members of the Board of Speech Pathology and Audiology Examiners:

JASON AIRD – Sievers, Chair; Drake and Kibbie

CORAL JUD – Kibbie, Chair; Johnson and Tinsman

As members of the Commission of Veterans Affairs:

ARTHUR DAYTON – Courtney, Chair; Sievers and Zieman

DARLENE MCMARTIN – Black, Chair; Schuerer and Shull

STEVEN MULCAHY – Ragan, Chair; Shull and Sievers

As a member of the Iowa Board of Veterinary Medicine:

EARL GOERDT – Connolly, Chair; Veenstra and Ward

As members of the Vision Iowa Board:

LORNA BURNSIDE – Schuerer, Chair; Kibbie and Veenstra

GREGG CONNELL – Sievers, Chair; Drake and Kibbie

MIKE EDWARDS – Johnson, Chair; Ragan and Schuerer

CATHY REECE – Black, Chair; Schuerer and Shull

TRANSPORTATION

As members of the Iowa Law Enforcement Academy Council:

ANGELA BONAR – Houser, Chair; Dearden and Johnson

NIKI DEAN – Putney, Chair; Fraise and Ward

As Director of the Iowa Department of Transportation:

MARK WANDRO – Drake, Chair; McCoy and Putney

As members of the State Transportation Commission:

SUZAN BODEN – Warnstadt, Chair; Houser and Kettering

BARBARA MAC GREGOR – Johnson, Chair; Dearden and Zieman

WAYS AND MEANS

As Executive Director of the Iowa Finance Authority:

MICHAEL TRAMONTINA – Bolkcom, Chair; Hosch and Putney

As a member of the Iowa Railway Finance Authority:

JONATHON MULLER – Dotzler, Chair; Angelo and Rehberg

CERTIFICATES OF RECOGNITION

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

Coach Tom Anderson, Coach Scott Daniels, Coach Paul Tremmel, Blake Anderson, Cody Ashby, Michael Cranston, Greg Daniels, Jim DeFrieze, Nick Harris, P.J. Mills, Adam Netwal, Connor Paulson, Matt Petersen, Elliott Schlabach, and Ryan Voss, Eldridge—For displaying a high degree of teamwork, discipline, effort, and achievement as members of the North Scott Little League Team in winning the Midwest Championship of the 2003 Little League Baseball World Series. Senator Sievers (3/22/04).

Keith D. Ellerbach, Bellevue—For achieving the rank of Eagle Scout, Boy Scout Troop 86. Senator Stewart (5/15/04).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 18, 2004, 1:05 p.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck.

Members Absent: Courtney (excused).

Committee Business: Passed HF 2270.

Adjourned: 1:20 p.m.

EDUCATION

Convened: March 18, 2004, 1:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Rehberg, and Ward.

Members Absent: Redfern (excused).

Committee Business: Passed HF's 2394 and 2241.

Adjourned: 2:15 p.m.

GOVERNMENT OVERSIGHT

Convened: March 18, 2004, 10:05 a.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Approved SSB 3074.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ADMINISTRATION AND REGULATION

Convened: March 18, 2004, 10:05 a.m.

Members Present: Sievers, Chair; Zieman, Vice Chair; Holveck, Ranking Member; Rehberg and Stewart.

Members Absent: None.

Committee Business: Passed the committee appropriations bill (as amended).

Recessed: 10:10 a.m.

Reconvened: 11:10 a.m.

Adjourned: 12:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Convened: March 18, 2004, 10:05 a.m.

Members Present: Gaskill, Chair; Houser, Vice Chair; Black, Ranking Member; Seng and Seymour.

Members Absent: None.

Committee Business: Passed the committee appropriations bill.

Recessed: 10:10 a.m.

Reconvened: 10:20 a.m.

Adjourned: 10:45 a.m.

APPROPRIATIONS SUBCOMMITTEE ON ECONOMIC DEVELOPMENT

Convened: March 18, 2004, 10:10 a.m.

Members Present: McKinley, Chair; Behn, Vice Chair; Dotzler, Ranking Member; Putney and Quirmbach.

Members Absent: None.

Committee Business: Approved TLSB 5002JA (as amended).

Recessed: 10:15 a.m.

Reconvened: 10:45 a.m.

Adjourned: 12:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 18, 2004, 9:50 a.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Passed the committee appropriations bill.

Adjourned: 12:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: March 18, 2004, 10:05 a.m.

Members Present: Tinsman, Chair; Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: None.

Committee Business: Approved proposed financial recommendations FY 2005.

Recessed: 10:15 a.m.

Reconvened: 11:40 a.m.

Adjourned: 12:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: March 18, 2004, 10:00 a.m.

Members Present: Miller, Chair; Angelo, Vice Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: None.

Committee Business: Passed the judicial branch appropriations bill and the justice system appropriations bill.

Adjourned: 11:40 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 133, by Sievers, a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series.

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

INTRODUCTION OF BILL

Senate File 2293, by Bolkcom, a bill for an act providing that a child who is ten years of age or older, truant, and who refuses to engage in mediation or who violates a truancy mediation agreement commits a delinquent act.

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

SUBCOMMITTEE ASSIGNMENTS

Senate File 2268

STATE GOVERNMENT: Johnson, Chair; Connolly and Schuerer

House File 2486

AGRICULTURE: Johnson, Chair; Seng and Ziemann

House File 2493

STATE GOVERNMENT: Ward, Chair; Courtney and Tinsman

House File 2515

AGRICULTURE: Angelo, Chair; Fraise and Putney

House File 2518

AGRICULTURE: Johnson, Chair; Houser and Kibbie

FINAL COMMITTEE REPORTS OF BILL ACTION**BUSINESS AND LABOR RELATIONS**

Bill Title: HOUSE FILE 2270, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Schuerer, Lundby, Dearden, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, none. Absent, 1: Courtney.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2241, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Rehberg, and Ward. Nays, none. Absent, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2394, a bill for an act relating to driver education by a teaching parent.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Boettger, McKinley, Angelo, Behn, Brunkhorst, Hosch, Kreiman, Rehberg, and Ward. Nays, 5: Connolly, Beall, Dvorsky, Holveck, and Quirnbach. Absent, 1: Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 17, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2290 – Relating to economic development incentives under the new jobs and income program, the new capital investment program, and the enterprise zone program and providing an effective date.

ALSO:

A communication was received announcing that on March 18, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2059 – Relating to and making appropriations of birth certificate fees for the birth defects registry and child abuse prevention programs, and providing an effective date.

S.F. 2166 – Relating to child endangerment offenses resulting in the death of a child or minor and providing a penalty.

S.F. 2189 – Conferring additional enforcement authority on the real estate commission, and providing penalties.

S.F. 2240 – Relating to temporary rate authority and rules of the Iowa utilities board regarding rate regulation proceedings.

S.F. 2253 – Relating to disclosure requirements for the transfer of ownership of a motor vehicle and providing penalties.

S.F. 2261 – Providing penalties for specified liquor control violations involving a retail liquor control license, wine permit, or beer permit.

JOURNAL OF THE SENATE

SEVENTY-FIRST CALENDAR DAY
FORTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 22, 2004

The Senate met in regular session at 1:04 p.m., President Lamberti presiding.

Prayer was offered by the Reverend Steve Vander Molen, pastor of the First Reformed Church in Orange City, Iowa. He was the guest of Senator Veenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Allison Vennerberg.

The Journal of Thursday, March 18, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 18, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2432, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

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

House File 2441, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

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

House File 2450, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

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

House File 2479, a bill for an act relating to the regulation and zoning of commercial canine operations.

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

House File 2516, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

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

House File 2517, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

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

House File 2527, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

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

House File 2530, a bill for an act relating to the assessment of surcharges in criminal proceedings.

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

House File 2532, a bill for an act relating to the Iowa public employees' retirement system and the judicial retirement system, 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 1:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 1:13 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 133, a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 133.

Senate Resolution 133

On motion of Senator Sievers, **Senate Resolution 133**, a resolution recognizing the achievements of the North Scott Little League team from Eldridge, Iowa, in winning the Midwest Championship of the 2003 Little League Baseball World Series, with

report of committee recommending passage, was taken up for consideration.

Senator Sievers moved the adoption of Senate Resolution 133, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Sievers welcomed to the Senate chamber coaches and members of the North Scott Little League team.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 1:19 p.m. until 4:30 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Wayne Hinkley, Sioux City—For being awarded the Patrick J. Hodgins Award and for dedicated service to the Sioux City Cosmopolitan Club. Senator Warnstadt (3/22/04).

Samara Pals, Orange City—For placing third nationwide in the Veterans of Foreign Wars' "Voice of Democracy Scholarship Program." Senator Veenstra (3/22/04).

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 22, 2004, 2:10 p.m.

Members Present: Schuerer, Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, Seymour, and Wieck.

Members Absent: Lundby, Vice Chair; and McKibben (both excused).

Committee Business: Approved the Governor's appointee.

Adjourned: 2:20 p.m.

EDUCATION

Convened: March 22, 2004, 2:10 p.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward.

Members Absent: Beall (excused).

Committee Business: Passed HF's 2418 and 2460. Approved the Governor's appointee.

Adjourned: 2:30 p.m.

HUMAN RESOURCES

Convened: March 22, 2004, 2:40 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF's 2327, 2350, 2358, 2462, 2464, and 2506.

Adjourned: 3:40 p.m.

RULES AND ADMINISTRATION

Convened: March 22, 2004, 1:10 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 131, 132, and 133.

Adjourned: 1:15 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 131

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 132

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 133

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2293

HUMAN RESOURCES: Schuerer, Chair; Holveck and Veenstra

House File 2208

JUDICIARY: Brunkhorst, Chair; Kettering and Quirnbach

House File 2357

NATURAL RESOURCES AND ENVIRONMENT: Johnson, Chair; Black and Kettering

House File 2395

JUDICIARY: McKibben, Chair; Gaskill and Kreiman

House File 2419

EDUCATION: Connolly, Chair; Boettger and McKinley

House File 2432

NATURAL RESOURCES AND ENVIRONMENT: Dearden, Chair; Drake and Miller

House File 2433

TRANSPORTATION: Zieman, Chair; Drake and Warnstadt

House File 2450

JUDICIARY: Kettering, Chair; Kreiman and McKibben

House File 2451

NATURAL RESOURCES AND ENVIRONMENT: Kibbie, Chair; Houser and Kettering

House File 2479

AGRICULTURE: Fraise, Chair; Hosch and Johnson

House File 2506

HUMAN RESOURCES: Seymour, Chair; Boettger and Ragan

House File 2516

JUDICIARY: Gaskill, Chair; Boettger and Horn

House File 2517

NATURAL RESOURCES AND ENVIRONMENT: Black, Chair; Johnson and Kettering

House File 2530

JUDICIARY: Holveck, Chair; Brunkhorst and Gaskill

House File 2533

JUDICIARY: Boettger, Chair; Holveck and Tinsman

FINAL COMMITTEE REPORTS OF BILL ACTION

EDUCATION

Bill Title: HOUSE FILE 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, none. Absent, 1: Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 131, a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 132, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ASSIGNED TO COMMITTEE

President Lamberti announced that **House File 22** was assigned to the **Judiciary** committee.

AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 4:41 p.m. until 8:30 a.m., Tuesday, March 23, 2004.

APPENDIX — 2

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Calendar with recommendations for confirmation:

BUSINESS AND LABOR RELATIONS

John Peno – Employment Appeal Board

Neil Barrick – Public Employment Relations Board

Richard Running – Director of the Iowa Department of Workforce Development

Rosa Bailey – Iowa Workforce Development Board

Ken Sagar – Iowa Workforce Development Board

REPORT OF COMMITTEE MEETING

COMMERCE

Convened: March 22, 2004, 3:45 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Schuerer, Sievers, and Stewart.

Members Absent: Beall and Redfern (both excused).

Committee Business: Passed HF 2484 and approved the Governor's appointees.

Adjourned: 3:55 p.m.

INTRODUCTION OF BILL

Senate File 2294, by committee on Government Oversight, a bill for an act relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

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

STUDY BILL RECEIVED

SSB 3169 Appropriations

Making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 3169

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: SENATE FILE 2294 (SSB 3074), a bill for an act relating to competitive bidding requirements for state agencies and establishing purchasing goals from certain businesses located in this state.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 3: Lundby, Brunkhorst, and Wieck. Nays, 2: Courtney and Dvorsky. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2327, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2350, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Veenstra, Seymour, Ragan, Behn, Hatch, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Present, 2: Boettger and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2358, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2462, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2464, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2506, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|--------|-----|-------------|
| S-5119 | S.C.R. | 109 | John Putney |
| S-5120 | S.R. | 123 | Jerry Behn |

JOURNAL OF THE SENATE

SEVENTY-SECOND CALENDAR DAY
FORTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 23, 2004

The Senate met in regular session at 8:34 a.m., Senator Veenstra presiding.

Prayer was offered by the Reverend Roger White, pastor of the Gladbrook United Methodist Church in Gladbrook, Iowa. He was the guest of Senator Putney.

The Journal of Monday, March 22, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:52 a.m. until 3:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

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

Mr. and Mrs. Jelto Boelman, Belmond—For celebrating your 60th wedding anniversary. Senator Iverson (3/24/04).

Mr. and Mrs. David Boylan, Ames—For celebrating your 60th wedding anniversary. Senator Quirnbach (3/23/04).

Norma Buss, Ames—For celebrating your 80th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

Mr. and Mrs. Stanley Davidson, Ames—For celebrating your 60th wedding anniversary. Senator Quirnbach (3/23/04).

Jacob Daniel Francois, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

Mr. and Mrs. Richard Herrstrom, Madrid—For celebrating your 50th wedding anniversary. Senator Quirnbach (3/23/04).

Leota Heyer, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

Bernice Jones, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

John Lamb, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

Lola Leggett, Ames—For celebrating your 95th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

David McElroy, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

James Peyton, Winthrop—For achieving the rank of Eagle Scout. Senator Rehberg (3/28/04).

Millie Smith, Ames—For celebrating your 90th birthday on March 23, 2004. Senator Quirnbach (3/23/04).

Blanche Wolf, Waterloo—For celebrating your 90th birthday on March 23, 2004. Senator Dotzler (3/23/04).

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Convened: March 22, 2004, 4:55 p.m.

Members Present: Shull, Chair; Boettger, Vice Chair; Horn, Ranking Member; Kibbie and Schuerer.

Members Absent: None.

Committee Business: Passed the committee appropriations bill.

Adjourned: 5:05 p.m.

AGRICULTURE

Convened: March 23, 2004, 1:05 p.m.

Members Present: Johnson, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: None.

Committee Business: Passed HF's 2315, 2475, 2476, 2479, 2486, 2515, and 2518 and approved Governor's appointees.

Adjourned: 1:45 p.m.

ECONOMIC GROWTH

Convened: March 23, 2004, 9:05 a.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward.

Members Absent: Boettger and McKinley (both excused).

Committee Business: Passed HF's 2383 and 2431 and approved Governor's appointees.

Adjourned: 9:25 a.m.

JUDICIARY

Convened: March 23, 2004, 10:05 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed HF's 250, 2170, 2200 (as amended), 2208, 2396, 2397, 2398, and 2480. Approved Governor's appointees.

Adjourned: 11:00 a.m.

LOCAL GOVERNMENT

Convened: March 23, 2004, 2:10 p.m.

Members Present: Gaskill, Chair; Quirnbach, Ranking Member; Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart.

Members Absent: Miller, Vice Chair; Angelo, Kreiman, and McCoy (all excused).

Committee Business: Passed HF 2381 and approved Governor's appointees.

Adjourned: 2:20 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 23, 2004, 9:10 a.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman.

Members Absent: None.

Committee Business: Passed HF's 2357, 2366, 2392, 2393 (as amended), and 2401.

Adjourned: 9:35 a.m.

WAYS AND MEANS

Convened: March 23, 2004, 11:10 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: None.

Committee Business: Approved SSBs 3137 and 3167.

Adjourned: 12:25 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 134, by Wieck, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

Senate Resolution 135, by Dvorsky, a resolution honoring University of Iowa football player Nate Kaeding from Coralville, Iowa.

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

Senate Resolution 136, by Rehberg, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship.

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

INTRODUCTION OF BILLS

Senate File 2295, by committee on Ways and Means, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

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

Senate File 2296, by committee on Ways and Means, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

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

STUDY BILL RECEIVED**SSB 3170 Ways and Means**

Proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

SUBCOMMITTEE ASSIGNMENTS**House File 22**

JUDICIARY: Tinsman, Chair; Boettger and Horn

House File 2381

LOCAL GOVERNMENT: Seymour, Chair; Hosch and McCoy

House File 2441

HUMAN RESOURCES: Holveck, Chair; Hosch and Tinsman

House File 2471

LOCAL GOVERNMENT: Miller, Chair; Houser and Stewart

House File 2527

HUMAN RESOURCES: Hatch, Chair; Behn and Seymour

House File 2532

STATE GOVERNMENT: Sievers, Chair; Connolly and Zieman

SSB 3170

WAYS AND MEANS: McKibben, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: HOUSE FILE 2315, a bill for an act relating to agricultural conservation practices.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, and Veenstra. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2475, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2479, a bill for an act relating to the regulation and zoning of commercial canine operations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, and Zieman. Nays, none. Absent, 2: Black and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2486, a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2515, a bill for an act relating to the keeping of farm deer.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Black, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, and Veenstra. Nays, none. Absent, 1: Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2518, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Ziemann. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

COMMERCE

Bill Title: HOUSE FILE 2484, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Behn, Wieck, Warnstadt, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, McCoy, Putney, Schuerer, Sievers, and Stewart. Nays, none. Absent, 2: Beall and Redfern.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2383, a bill for an act relating to rural improvement zones.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: Boettger and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2431, a bill for an act relating to educational institutions under the university-based research utilization program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Rehberg, Shull, Hatch, Beall, Dotzler, Putney, Ragan, Seymour, Stewart, Veenstra, and Ward. Nays, none. Absent, 2: Boettger and McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2460, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5121.

Final Vote: Ayes, 14: Boettger, McKinley, Connolly, Angelo, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward. Nays, none. Absent, 1: Beall.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 250, a bill for an act relating to the criminal penalties for an assault on members of certain occupations.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Gaskill, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, 2: Fraise and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2170, a bill for an act relating to product liability actions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 2200, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5128.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on House File 2200, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2208, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2396, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Redfern, Kettering, Boettger, Brunkhorst, Gaskill, Horn, McCoy, McKibben, Miller, Tinsman, and Ward. Nays, 4: Kreiman, Fraise, Holveck, and Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2397, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2398, a bill for an act relating to the establishment of a toll-free telephone service by the department of justice to assist persons interested in receiving consumer fraud information.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2480, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2357, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Drake and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2366, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2392, a bill for an act relating to controlled burns of demolished buildings conducted by certain cities.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Houser, Johnson, Seng, Black, Brunkhorst, Dearden, Drake, Kettering, Kibbie, Miller, Redfern, and Zieman. Nays, 2: Bolkcom and Holveck. Absent, 1: Lundby.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2393, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5124.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Holveck, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 1: Drake.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2401, a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Kettering, Kibbie, Lundby, Miller, Redfern, and Zieman. Nays, none. Absent, 2: Drake and Holveck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE FILE 2295 (SSB 3137), a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: McKibben, Shull, Angelo, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 5: Bolkcom, Connolly, Dotzler, Quirmbach, and Stewart. Present, 1: Seng. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2295, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2296 (SSB 3167), a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 16: McKibben, Shull, Bolkom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 1: Quirmbach. Absent, none.

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:

AGRICULTURE

Cheryl Adam – Agricultural Development Authority
Evelyn Rank – Agricultural Development Authority
Jayme Ungs – Agricultural Development Authority

Edwin Hershberger – Iowa Grain Indemnity Fund Board
Thomas Kaldenberg – Iowa Grain Indemnity Fund Board

Jody Kerns – State Soil Conservation Committee

COMMERCE

Paul Becker – Credit Union Review Board

Pamela Duffy – Iowa Telecommunications and Technology Commission

ECONOMIC GROWTH

Burt Chojnowski – Iowa Capital Investment Board

Martha Jane Bell – Loan and Credit Guarantee Advisory Board

Robert Snodgrass – Loan and Credit Guarantee Advisory Board

LOCAL GOVERNMENT

Dennis Plautz – City Development Board

Judy Clark – Mental Health Risk Pool Board

Sally Stutsman – Mental Health Risk Pool Board

WAYS AND MEANS

Michael Tramontina – Executive Director of the Iowa Finance Authority

Jonathon Muller – Iowa Railway Finance Authority

AFTERNOON SESSION

The Senate reconvened at 4:00 p.m., Senator Putney presiding.

The Senate stood at ease at 4:01 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:10 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2362, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

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

House File 2489, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties.

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

House File 2521, a bill for an act providing for a health insurance study by the commissioner of insurance and a medical malpractice insurance solution task force and study and by providing an effective date.

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

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Shull.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2138 and 2044.

Senate File 2138

On motion of Senator Putney, **Senate File 2138**, a bill for an act providing for an Iowa animal identification development council, and providing an effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2138), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Redfern

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

Senate File 2044

On motion of Senator Hosch, **Senate File 2044**, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman offered amendment S-5074, filed by her on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5074 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2044), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Redfern

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

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2044** and **2138** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2264, 2179, and 2213.

Senate File 2264

On motion of Senator McKibben, **Senate File 2264**, a bill for an act relating to the waiver of physical requirements for peace officers and civil service employees, was taken up for consideration.

Senator McKibben offered amendment S-5116, filed by him on March 17, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5116 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. 2264), the vote was:

Yeas, 48:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |

| | | | |
|---------|-----------|---------|--------|
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

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

Senate File 2179

On motion of Senator Zieman, **Senate File 2179**, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, was taken up for consideration.

Senator Zieman offered amendment S-5069, filed by him on March 10, 2004, to page 5 of the bill, and moved its adoption.

Amendment S-5069 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?" (S.F. 2179), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Redfern

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

Senator Putney took the chair at 5:39 p.m.

Senate File 2213

On motion of Senator Brunkhorst, **Senate File 2213**, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee, was taken up for consideration.

Senator Warnstadt offered amendment S-5054, filed by him on March 9, 2004, to page 1 of the bill.

Senator Warnstadt withdrew amendment S-5054.

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

On the question "Shall the bill pass?" (S.F. 2213), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Miller | Veenstra |
| Courtney | Houser | Putney | Ward |
| Dearden | Iverson | Quirnbach | Warnstadt |
| Dotzler | Johnson | Ragan | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson

Redfern

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

IMMEDIATELY MESSAGED

Senator Schuerer asked and received unanimous consent that **Senate Files 2179, 2213, and 2264** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate File 2225.

Senate File 2225

On motion of Senator Johnson, **Senate File 2225**, a bill for an act providing for negotiated rulemaking, with report of committee recommending passage, was taken up for consideration.

Senator McKibben took the chair at 5:53 p.m.

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. 2225), the vote was:

Yeas, 29:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Miller | Tinsman |
| Behn | Johnson | Putney | Veenstra |
| Boettger | Kettering | Redfern | Ward |
| Brunkhorst | Lamberti | Rehberg | Wieck |
| Drake | Lundby | Schuerer | Zieman |
| Gaskill | McCoy | Seymour | |
| Hosch | McKibben | Shull | |
| Houser | McKinley | Sievers | |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | Quirnbach |
| Black | Dotzler | Holveck | Ragan |
| Bolkcom | Dvorsky | Horn | Seng |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | Warnstadt |

Absent, 1:

Larson

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

UNFINISHED BUSINESS
(Deferred March 8, 2004)

Senate File 2032

The Senate resumed consideration of **Senate File 2032**, a bill for an act relating to bicycles on primary highways and providing a penalty, and amendment S-5021, deferred March 8, 2004.

Senator Bolkcom withdrew amendment S-5021, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5026, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Dotzler withdrew amendment S-5049, filed by him on March 8, 2004, to page 1 of the bill.

Senator Dotzler withdrew amendment S-5065, filed by him on March 9, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5018, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5020, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5016, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5017, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5019, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5022, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5023, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5027, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5029, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5024, filed by him on February 23, 2004, to page 1 of the bill.

Senator Bolkcom withdrew amendment S-5025, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

Senator Bolkcom withdrew amendment S-5028, filed by him on February 23, 2004, to page 1 and to the title page of the bill.

WITHDRAWN

Senator Putney asked and received unanimous consent that **Senate File 2032** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL (Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate File 2255.

Senate File 2255

On motion of Senator Boettger, **Senate File 2255**, a bill for an act relating to the development of an Iowa studies professional development plan and the appointment of an Iowa studies committee by the university of northern Iowa, and directing the department of education to evaluate and report on the plan, was taken up for consideration.

Senator Boettger offered amendment S-5126, filed by her from the floor to pages 1-3 of the bill, and moved its adoption.

Amendment S-5126 was adopted by a voice vote.

With the adoption of amendment S-5126, the Chair ruled amendment S-5111, filed by Senator Boettger on March 17, 2004, to page 2 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?" (S.F. 2255), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, 1:

Kreiman

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Files 2225** and **2255** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Files 2279 and 2282.

Senate File 2279

On motion of Senator Zieman, **Senate File 2279**, a bill for an act relating to petition requirements for establishing a satellite absentee voting station, was taken up for consideration.

Senator Bolkcom offered amendment S-5127, filed by him from the floor to page 1 of the bill.

Senator Zieman raised the point of order that amendment S-5127 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5127 out of order.

Senator Zieman offered amendment S-5075, filed by him on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5075 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?" (S.F. 2279), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

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

Senate File 2282

On motion of Senator Houser, **Senate File 2282**, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, was taken up for consideration.

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

On the question "Shall the bill pass?" (S.F. 2282), the vote was:

Yeas, 49:

| | | | |
|----------|----------|----------|----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |

| | | | |
|------------|-----------|-----------|-----------|
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

President Lamberti took the chair at 6:31 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2285.

Senate File 2285

On motion of Senator Shull, **Senate File 2285**, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date, was taken up for consideration.

Senator Shull deferred remarks to Senator Sievers.

Senator Dvorsky asked and received unanimous consent that action on **Senate File 2285** be **deferred**.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Files 2279** and **2282** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2002.

Senate Joint Resolution 2002

On motion of Senator Veenstra, **Senate Joint Resolution 2002**, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5135, filed by him from the floor to page 1 of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5135 be adopted?" (S.J.R. 2002), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5135 lost.

Senator Veenstra withdrew amendment S-5122, filed by him from the floor to page 1 of the resolution.

Senator Kreiman withdrew amendment S-5134, filed by him from the floor to page 1 of the resolution.

Senator Veenstra 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 2002, a joint resolution proposing an amendment to the Constitution of the State of Iowa regarding marriage in the State of Iowa.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

Article I of the Constitution of the State of Iowa is amended by adding the following new section:

MARRIAGE. SEC. 26. Only marriage between a man and a woman shall be valid or recognized in the State of Iowa.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly and the Secretary of State is directed to cause the same to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 2002), the vote was:

Yeas, 24:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Seymour |
| Behn | Houser | McKinley | Sievers |
| Boettger | Iverson | Miller | Veenstra |
| Brunkhorst | Johnson | Putney | Ward |
| Drake | Kettering | Rehberg | Wieck |
| Gaskill | Lamberti | Schuerer | Zieman |

Nays, 25:

| | | | |
|-------|---------|---------|---------|
| Beall | Dvorsky | Kreiman | Shull |
| Black | Fraise | Lundby | Stewart |

| | | | |
|----------|----------|-----------|-----------|
| Bolkcom | Gronstal | McCoy | Tinsman |
| Connolly | Hatch | Quirnbach | Warnstadt |
| Courtney | Holveck | Ragan | |
| Dearden | Horn | Redfern | |
| Dotzler | Kibbie | Seng | |

Absent, 1:

Larson

The resolution, not having received a constitutional majority, was declared to have failed to pass the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

UNFINISHED BUSINESS (Deferred March 17, 2004)

Senate File 2233

The Senate resumed consideration of **Senate File 2233**, a bill for an act eliminating a provision allowing a criminal offender to make a donation in lieu of performing community service, deferred March 17, 2004.

President Pro Tempore Angelo took the chair at 7:56 p.m.

Senator McCoy offered amendment S-5133, filed by him 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-5133 be adopted?" (S.F. 2233), the vote was:

Yeas, 21:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |

| | | |
|---------------------|------------------|--------------------|
| Courtney Dearden | Hatch Holveck | Quirmbach Ragan |
|---------------------|------------------|--------------------|

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5133 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. 2233), the vote was:

Yeas, 46:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Lundby | Seymour |
| Beall | Fraise | McCoy | Shull |
| Behn | Gaskill | McKibben | Sievers |
| Black | Gronstal | McKinley | Stewart |
| Boettger | Hatch | Miller | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kibbie | Schuerer | |
| Drake | Lamberti | Seng | |

Nays, 2:

| | |
|-----------|---------|
| Kettering | Kreiman |
|-----------|---------|

Absent, 2:

| | |
|---------|--------|
| Holveck | Larson |
|---------|--------|

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 2269.

Senate File 2269

On motion of Senator Zieman, **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, was taken up for consideration.

Senator Kibbie offered amendment S-5137, filed by Senator Kibbie, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Kibbie asked and received unanimous consent that action on amendment S-5137 be deferred.

Senator Quirnbach offered amendment S-5132, filed by him from the floor to pages 3, 18, and to the title page of the bill.

Senator Quirnbach withdrew amendment S-5132.

The Senate resumed consideration of amendment S-5137, previously deferred.

Senator Kibbie moved the adoption of amendment S-5137.

A record roll call was requested.

On the question "Shall amendment S-5137 be adopted?" (S.F. 2269), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5137 lost.

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

On the question "Shall the bill pass?" (S.F. 2269), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

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 2233** and **2269** 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 2209.

Senate File 2209

On motion of Senator Veenstra, **Senate File 2209**, a bill for an act relating to the content of immunizations, and making a penalty applicable, was taken up for consideration.

Senator Veenstra offered amendment S-5123, filed by him from the floor to page 1 of the bill.

Senator Veenstra asked and received unanimous consent that action on amendment S-5123 and **Senate File 2209** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2256.

Senate File 2256

On motion of Senator Wieck, **Senate File 2256**, a bill for an act concerning the refund of unearned accident and health insurance premiums upon the death of the insured, was taken up for consideration.

Senator Brunkhorst offered amendment S-5136, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5136 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2256), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

BUSINESS PENDING

Senate File 2209

The Senate resumed consideration of **Senate File 2209**, a bill for an act relating to the content of immunizations, and making a penalty applicable, and amendment S-5123, previously deferred.

Senator Veenstra moved the adoption of amendment S-5123.

Amendment S-5123 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2209), the vote was:

Yeas, 30:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Sievers |
| Behn | Houser | McKinley | Tinsman |
| Boettger | Iverson | Miller | Veenstra |
| Brunkhorst | Johnson | Putney | Ward |
| Drake | Kettering | Rehberg | Wieck |
| Gaskill | Kreiman | Schuerer | Zieman |
| Holveck | Lamberti | Seymour | |
| Horn | Lundby | Shull | |

Nays, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dearden | Hatch | Redfern |
| Black | Dotzler | Kibbie | Seng |
| Bolkcom | Dvorsky | McCoy | Stewart |
| Connolly | Fraise | Quirnbach | Warnstadt |
| Courtney | Gronstal | Ragan | |

Absent, 1:

Larson

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 2209** and **2256** 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 2268.

Senate File 2268

On motion of Senator Johnson, **Senate File 2268**, a bill for an act relating to the request for a regulatory analysis, with report of committee on State Government recommending passage, was taken up for consideration.

Senator Johnson asked and received unanimous consent that action on **Senate File 2268** be **deferred**.

BUSINESS PENDING

Senate File 2285

The Senate resumed consideration of **Senate File 2285**, a bill for an act relating to the deposit and use of electronic transaction fees and providing an immediate effective date, previously deferred.

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

On the question "Shall the bill pass?" (S.F. 2285), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2285** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 23, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2473, a bill for an act relating to mental health, mental retardation, and developmental disabilities services by revising involuntary hospitalization procedures involving the county single entry point process and patient advocates and authorizing counties to create a special program fund for these services.

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

House File 2523, a bill for an act providing for the regulation of air quality, and making penalties applicable.

Read first time and **attached to similar Senate File 2267**.

House File 2528, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding.

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

House File 2537, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury.

Read first time and **attached to similar Senate File 2248**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:16 p.m. until 8:30 a.m., Wednesday, March 24, 2004.

APPENDIX — 2

REPORT OF COMMITTEE MEETINGS

STATE GOVERNMENT

Convened: March 23, 2004, 2:05 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed SF 2268 and HFs 2187, 2201, 2302, 2319, 2402, 2404, 2468, and 2493.

Recessed: 3:00 p.m.

Reconvened: 3:35 p.m.

Adjourned: 4:00 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 137, by Wieck and Warnstadt, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

SUBCOMMITTEE ASSIGNMENT

House File 2459

EDUCATION: McKinley, Chair; Beall and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 2381, a bill for an act changing the budget certification deadline for county hospital budgets.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Gaskill, Quirnbach, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 4: Miller, Angelo, Kreiman, and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: SENATE FILE 2268 (SSB 3096), a bill for an act relating to the request for a regulatory analysis.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Veenstra, and Ward. Nays, 7: Kibbie, Black, Connolly, Courtney, Dearden, Ragan, and Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2187, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Zieman, Sievers, Kibbie, Black, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 1: Connolly. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2201, a bill for an act providing for exemptions from massage therapy licensure requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

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

Recommendation: DO PASS.

Final Vote: Ayes, 10: Zieman, Sievers, Black, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 5: Kibbie, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2319, a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2402, a bill for an act restricting executive branch authority to transfer appropriations between departments.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 6: Kibbie, Black, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2404, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2468, a bill for an act to limit the period of effectiveness for an administrative rule adopted without a notice of intended action and opportunity for public participation.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Zieman, Sievers, Drake, Johnson, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, 6: Kibbie, Black, Connolly, Courtney, Dearden, and Ragan. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2493, a bill for an act relating to regulation of sales at unused property markets and providing penalties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|--------|------|-----------------------------------|
| S-5121 | H.F. | 2460 | Education |
| S-5122 | S.J.R. | 2002 | Ken Veenstra |
| S-5123 | S.F. | 2209 | Ken Veenstra |
| S-5124 | H.F. | 2393 | Natural Resources and Environment |
| S-5125 | S.F. | 2259 | Ken Veenstra |
| S-5126 | S.F. | 2255 | Nancy J. Boettger |
| S-5127 | S.F. | 2279 | Joe Bolkcom |
| S-5128 | H.F. | 2200 | Judiciary |
| S-5129 | S.F. | 2254 | Nancy J. Boettger |
| S-5130 | S.F. | 2026 | David Miller |
| S-5131 | S.F. | 2260 | Robert E. Dvorsky |
| S-5132 | S.F. | 2269 | Herman C. Quirmbach |
| S-5133 | S.F. | 2233 | Matt W. McCoy |
| S-5134 | S.J.R. | 2002 | Keith A. Kreiman |
| S-5135 | S.J.R. | 2002 | Keith A. Kreiman |
| S-5136 | S.F. | 2256 | Bob Brunkhorst |
| S-5137 | S.F. | 2269 | John P. Kibbie |
| | | | Dennis H. Black |
| | | | Mike Connolly |
| | | | Thomas G. Courtney |
| | | | Dick L. Dearden |
| | | | Amanda Ragan |

JOURNAL OF THE SENATE

SEVENTY-THIRD CALENDAR DAY
FORTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 24, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Rabbi David Kaufman of the Temple B’Nai Jeshurun in Des Moines, Iowa. He was the guest of Senators McCoy and Quirmbach.

The Journal of Tuesday, March 23, 2004, was approved.

UNFINISHED BUSINESS
(Deferred March 23, 2004)

Senate File 2268

The Senate resumed consideration of **Senate File 2268**, a bill for an act relating to the request for regulatory analysis, deferred March 23, 2004.

Senator Veenstra took the chair at 8:47 a.m.

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.

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. 2268), the vote was:

Yeas, 27:

| | | | |
|----------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Drake | Kettering | Rehberg | Ward |
| Gaskill | Lamberti | Schuerer | Wieck |
| Hatch | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Kibbie | Seng |
| Black | Dvorsky | Kreiman | Stewart |
| Bolkcom | Fraise | Lundby | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Holveck | Quirnbach | |
| Dearden | Horn | Ragan | |

Absent, 2:

| | |
|------------|--------|
| Brunkhorst | Larson |
|------------|--------|

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 Brunkhorst, until he arrives, on request of Senator Shull.

MOTION TO RECONSIDER LOST

Senate File 2268

Senator Johnson called up the following motion to reconsider filed by him from the floor and requested a “No” vote:

MR. PRESIDENT: I move to reconsider the vote by which S.F. 2268 passed the Senate on March 24, 2004.

On the question “Shall the motion to reconsider be adopted?” (S.F. 2268), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|----------|-----------|----------|----------|
| Angelo | Iverson | Miller | Sievers |
| Behn | Johnson | Putney | Tinsman |
| Boettger | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |
| Houser | McKinley | Shull | |

Absent, 2:

| | |
|------------|--------|
| Brunkhorst | Larson |
|------------|--------|

The motion lost.

The following motion to reconsider, filed by Senator Hatch from the floor, was out of order.

MR. PRESIDENT: I move to reconsider the vote by which S.F. 2268 passed the Senate on March 24, 2004.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2268** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:30 a.m. until 5:00 p.m.

EVENING SESSION

The Senate reconvened at 5:47 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 24, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2187, a bill for an act relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

ALSO: That the House has on March 24, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2231, a bill for an act relating to the release of sex offender registry records, and providing an effective date.

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

House File 2344, a bill for an act relating to child development home provider qualifications and providing an effective date.

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

House File 2465, a bill for an act establishing requirements for persons contracting with the state.

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

House File 2514, a bill for an act relating to a pilot project for dementia-specific care alternatives.

Read first time and referred to committee on **Government Oversight**.

House File 2520, a bill for an act relating to purchasing preferences for Iowa-based products and services.

Read first time and referred to committee on **Economic Growth**.

The Senate stood at ease at 5:48 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:59 p.m., President Lamberti presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Files 2273, 2259, and 2106.

Senate File 2273

On motion of Senator Brunkhorst, **Senate File 2273**, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court, was taken up for consideration.

Senator Rehberg withdrew amendment S-5118, filed by her on March 17, 2004, to page 1 and to the title page of the bill.

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

On the question "Shall the bill pass?" (S.F. 2273), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

Senate File 2259

On motion of Senator Veenstra, **Senate File 2259**, a bill for an act relating to the establishment of a faith-based and community-based organizations network, was taken up for consideration.

Senator Veenstra offered amendment S-5125, filed by him on March 23, 2004, to page 1 of the bill.

Senator Veenstra asked and received unanimous consent that action on amendment S-5125 be deferred.

Senator Kreiman offered amendment S-5140, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5140 lost by a voice vote.

Senator Tinsman offered amendment S-5078, filed by her on March 10, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5078 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5125, previously deferred.

Senator Veenstra moved the adoption of amendment S-5125, which motion prevailed by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2259), the vote was:

Yeas, 29:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Putney | Tinsman |
| Behn | Johnson | Redfern | Veenstra |
| Boettger | Kettering | Rehberg | Ward |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seng | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |
| Houser | Miller | Sievers | |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | McCoy |
| Black | Dotzler | Holveck | Quirmbach |
| Bolkcom | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | Warnstadt |

Absent, 1:

Larson

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

Senate File 2106

On motion of Senator Miller, **Senate File 2106**, a bill for an act relating to the jurisdictional limit in small claims court, related fees, and providing effective dates, 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. 2106), the vote was:

Yeas, 42:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Hatch | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Tinsman |
| Brunkhorst | Hosch | Miller | Veenstra |
| Connolly | Houser | Putney | Ward |
| Courtney | Iverson | Quirnbach | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, 7:

| | | | |
|----------|----------|---------|---------|
| Beall | Gronstal | Kreiman | Stewart |
| Boettger | Holveck | Ragan | |

Absent, 1:

Larson

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 2106, 2259, and 2273** 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 2254.

Senate File 2254

On motion of Senator Boettger, **Senate File 2254**, a bill for an act relating to crimes against an unborn child, providing for a repeal, and providing penalties, was taken up for consideration.

Senator Boettger offered amendment S-5129, filed by her on March 23, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Hatch withdrew amendment S-5142, filed by him from the floor to page 1 of amendment S-5129.

Senator President Pro Tempore Angelo took the chair at 8:18 p.m.

Senator Kreiman offered amendment S-5144, filed by him from the floor to page 1 and to the title provisions of amendment S-5129, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5144 to amendment S-5129 be adopted?" (S.F. 2254), the vote was:

Yeas, 18:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dearden | Holveck | Ragan |
| Black | Dotzler | Horn | Stewart |
| Bolkcom | Dvorsky | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |

Nays, 31:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Kibbie | Rehberg | Ward |
| Fraise | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seng | Zieman |
| Hosch | McKibben | Seymour | |

Absent, 1:

Larson

Amendment S-5144 lost.

Senator Boettger moved the adoption of amendment S-5129, which motion prevailed 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. 2254), the vote was:

Yeas, 30:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Gaskill | McKibben | Shull |
| Behn | Hosch | McKinley | Sievers |
| Black | Houser | Miller | Veenstra |
| Boettger | Iverson | Putney | Ward |
| Brunkhorst | Johnson | Rehberg | Wiek |
| Connolly | Kettering | Schuerer | Zieman |
| Drake | Kibbie | Seng | |
| Fraise | Lamberti | Seymour | |

Nays, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kreiman | Redfern |
| Bolkcom | Gronstal | Lundby | Stewart |
| Courtney | Hatch | McCoy | Tinsman |
| Dearden | Holveck | Quirnbach | Warnstadt |
| Dotzler | Horn | Ragan | |

Absent, 1:

Larson

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 2254** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:35 p.m. until 8:30 a.m., Thursday, March 25, 2004.

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:

BUSINESS AND LABOR RELATIONS

M. Sue Warner – Public Employment Relations Board

Jean Logan – Iowa Workforce Development Board

HUMAN RESOURCES

Edward Crowley – Board of Athletic Training Examiners

Brett Raasch – Board of Athletic Training Examiners

James Anastasi – Board of Behavioral Science Examiners

Linda Nebbe – Board of Behavioral Science Examiners

Douglas Elliott – Commission for the Blind

Lois Eichacker – Commission on Community Action Agencies

Bob Knowler – Commission on Community Action Agencies

Marc Lindeen – Commission on Community Action Agencies

Tammy Wetjen-Kesterson – Commission on Community Action Agencies

Catherine Whitfield – Commission on Community Action Agencies

Tina Lynch – Commission on the Deaf

Kathy Miller – Commission on the Deaf

Karen Potter-Maxwell – Commission on the Deaf

Kathleen Buckwalter – Commission of Elder Affairs

Lisa Carlson – Commission of Elder Affairs

Hazel Chuck – Commission of Elder Affairs

Craig Downing – Commission of Elder Affairs

Scott Beall – Iowa Empowerment Board

Christopher Carman – Iowa Empowerment Board

Sally Hartley – Iowa Empowerment Board

Darshini Jayawardena – Iowa Empowerment Board

Douglas Peters – Iowa Empowerment Board

John Baker – Healthy and Well Kids in Iowa (HAWK-I) Board

Wanda Wyatt-Hardwick – Healthy and Well Kids in Iowa (HAWK-I) Board

Russell Finken – Mental Health and Developmental Disabilities Commission
Jon Grate – Mental Health and Developmental Disabilities Commission
Mary Hughes – Mental Health and Developmental Disabilities Commission
Lori Reynolds – Mental Health and Developmental Disabilities Commission
Carl Smith – Mental Health and Developmental Disabilities Commission

Edward Friedmann – Board of Physician Assistant Examiners
Fred Strickland – Board of Physician Assistant Examiners

Claibourne Dungy – Prevention of Disabilities Policy Council
Scott Lindgren – Prevention of Disabilities Policy Council
Thomas Slater – Prevention of Disabilities Policy Council

David Carlyle – Commission on Tobacco Use Prevention and Control
Sharon Wellendorf – Commission on Tobacco Use Prevention and Control

Angelica Cardenas-Chaisson – Commission on the Status of Women
Francis Giunta – Commission on the Status of Women
Holly Mennen-Sagar – Commission on the Status of Women
Kimberly Painter – Commission on the Status of Women
Michael Whitlatch – Commission on the Status of Women

COMMUNICATIONS RECEIVED

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

March 24, 2004

IOWA ALCOHOLIC BEVERAGES DIVISION

FY 2003 Annual Report—notification that the report in electronic form is available online.

DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2003 Community Economic Betterment Account Annual Report—notification that the report in electronic form is available online.

REPORTS OF COMMITTEE MEETINGS

BUSINESS AND LABOR RELATIONS

Convened: March 24, 2004, 10:00 a.m.

Members Present: Schuerer, Chair; Lundby, Vice Chair; Dearden, Ranking Member; Courtney, Dotzler, Horn, Johnson, Kettering, McKibben, Seymour, and Wiek.

Members Absent: None.

Committee Business: Passed HF 2447 and approved the Governor's appointees.

Adjourned: 10:15 a.m.

EDUCATION

Convened: March 24, 2004, 10:10 a.m.

Members Present: Boettger, Chair; McKinley, Vice Chair; Connolly, Ranking Member; Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirmbach, Redfern, Rehberg, and Ward.

Members Absent: None.

Committee Business: Passed HF 2419 and approved the Governor's appointees.

Recessed: 10:20 a.m.

Reconvened: 10:25 a.m.

Adjourned: 10:30 a.m.

HUMAN RESOURCES

Convened: March 24, 2004, 2:30 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed HF's 2328, 2362, 2378, 2390, 2441, and 2527 and approved the Governor's appointees.

Adjourned: 3:30 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 115, by Lundby, a concurrent resolution recognizing the 35th anniversary of Iowa Public Television.

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

Senate Resolution 138, by Sievers, Seng, Stewart, Drake, and Tinsman, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

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

Senate Resolution 139, by Boettger and Ragan, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 115

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 134

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 135

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 136

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 137

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2362

HUMAN RESOURCES: Hosch, Chair; Ragan and Veenstra

House File 2473

HUMAN RESOURCES: Tinsman, Chair; Boettger and Horn

House File 2489

COMMERCE: Wieck, Chair; Kettering and McCoy

House File 2521

COMMERCE: Wieck, Chair; Beall and Kettering

House File 2528

JUDICIARY: Boettger, Chair; Horn and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION**AGRICULTURE**

Bill Title: HOUSE FILE 2476, a bill for act regulating transmissible viruses afflicting poultry and providing penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5138.

Final Vote: Ayes, 14: Johnson, Hosch, Fraise, Angelo, Behn, Courtney, Gaskill, Houser, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman. Nays, none. Absent, 1: Black.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

APPROPRIATIONS

Bill Title: HOUSE FILE 2538, a bill for an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriations to the environment first fund and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 25: Angelo, Lamberti, Dvorsky, Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BUSINESS AND LABOR RELATIONS

Bill Title: HOUSE FILE 2447, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Schuerer, Lundby, Dearden, Horn, Johnson, Kettering, McKibben, Seymour, and Wieck. Nays, 2: Courtney and Dotzler. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EDUCATION

Bill Title: HOUSE FILE 2419, a bill for an act relating to the number of signatures required on nomination petitions for school board elections.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Boettger, McKinley, Connolly, Angelo, Beall, Behn, Brunkhorst, Dvorsky, Holveck, Hosch, Kreiman, Quirnbach, Redfern, Rehberg, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5138 | H.F. | 2476 | Agriculture |
| S-5139 | S.F. | 2207 | John Putney Amanda Ragan Bryan J. Sievers Keith A. Kreiman Mark Zieman Michael E. Gronstal |
| S-5140 | S.F. | 2259 | Keith A. Kreiman |
| S-5141 | S.F. | 2236 | David Johnson |
| S-5142 | S.F. | 2254 | Jack Hatch |
| S-5143 | H.F. | 2434 | Ron Wieck John Putney Daryl Beall |
| S-5144 | S.F. | 2254 | Keith A. Kreiman |
| S-5145 | H.F. | 2440 | Maggie Tinsman |

JOURNAL OF THE SENATE

SEVENTY-FOURTH CALENDAR DAY
FORTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, March 25, 2004

The Senate met in regular session at 9:26 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Aaron Bernabe, pastor of the Correctionville Assembly of God Church in Correctionville, Iowa. He was the guest of Senator Wieck.

The Journal of Wednesday, March 24, 2004, was approved.

HOUSE MESSAGE RECEIVED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 25, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2244, a bill for an act relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, for the day, on request of Senator Veenstra.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:29 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 9:35 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 136, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 136.

Senate Resolution 136

On motion of Senator Rehberg, **Senate Resolution 136**, a resolution honoring the Dunkerton High School Boys' Basketball Team on their 2004 state championship, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of Senate Resolution 136, which motion prevailed by a voice vote.

BILL REASSIGNED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2473** be reassigned from the committee on Human Resources to the committee on **Local Government**.

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

The Senate resumed session at 10:51 a.m., President Lamberti presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2538.

House File 2538

On motion of Senator Angelo, **House File 2538**, a bill for an act providing a transfer from the cash reserve fund to the rebuild Iowa infrastructure fund for purposes of the standing appropriation to the environment first fund and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt offered amendment S-5146, filed by him from the floor to page 1 of the bill.

Senator McKibben took the chair at 10:55 a.m.

Senator Warnstadt moved the adoption of amendment S-5146.

A record roll call was requested.

On the question "Shall amendment S-5146 be adopted?" (H.F. 2538), the vote was:

Yeas, 21:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Cannolly | Gronstal | McCoy | |

| | | |
|---------------------|------------------|--------------------|
| Courtney Dearden | Hatch Holveck | Quirnbach Ragan |
|---------------------|------------------|--------------------|

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|----------|
| Larson | McKinley |
|--------|----------|

Amendment S-5146 lost.

Senator Beall offered amendment S-5148, filed by Senators Beall, Bolkcom, and Dvorsky 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-5148 be adopted?" (H.F. 2538), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Tinsman |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|----------|
| Larson | McKinley |
|--------|----------|

Amendment S-5148 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?" (H.F. 2538), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|----------|
| Larson | McKinley |
|--------|----------|

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 2538** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:20 a.m. until 4:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 3:31 p.m., President Lamberti presiding.

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.J.R. 2005
S.F. 2197
S.F. 2229
S.F. 2258
S.F. 2294

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **Senate File 2271** be referred from the Regular Calendar to the committee on **Appropriations**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:34 p.m. until 10:00 a.m., Monday, March 29, 2004.

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:

COMMERCE

Becky Hansen – Credit Union Review Board

Catherine Hult – Title Guaranty Division Board

ECONOMIC GROWTH

Linda Bloodsworth – Iowa Economic Development Board

Julie Carlson – Iowa Economic Development Board

Jerry Courtney – Iowa Economic Development Board

David Bernstein – Economic Development Marketing Board

Chris Harshbarger – Economic Development Marketing Board

Gerald Kirke – Grow Iowa Values Board

Toby Shine – Grow Iowa Values Board

Dawn Connet – Small Business Advisory Council

James Davis – Small Business Advisory Council

Elizabeth Garst – Small Business Advisory Council

Kimberly Kudrna – Small Business Advisory Council

Timothy Neugent – Small Business Advisory Council

TRANSPORTATION

Angela Bonar – Iowa Law Enforcement Academy Council

Niki Dean – Iowa Law Enforcement Academy Council

Mark Wandro – Director of the Iowa Department of Transportation

Suzan Boden – State Transportation Commission

Barbara Mac Gregor – State Transportation Commission

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: March 24, 2004, 11:10 a.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Connolly, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: None.

Committee Business: Passed HF 2538 and approved SSB 3169 (as amended).

Recessed: 11:45 a.m.

Reconvened: 8:50 p.m.

Adjourned: March 25, 2004, 1:15 a.m.

TRANSPORTATION

Convened: March 24, 2004, 2:40 p.m.

Members Present: Drake, Chair; Putney, Vice Chair; Beall, Dearden, Fraise, Johnson, Rehberg, Shull, Ward, Warnstadt, and Zieman.

Members Absent: McCoy, Ranking Member; and Houser (both excused).

Committee Business: Passed HF 2433 and approved the Governor's appointees.

Adjourned: 3:15 p.m.

WAYS AND MEANS

Convened: March 24, 2004, 3:40 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: None on March 24, 2004. McKinley excused on March 25, 2004.

Committee Business: Approved SSBs 3168 and 3170.

Recessed: 3:45 p.m.

Reconvened: 4:10 p.m.

Recessed: 4:50 p.m.

Reconvened: 5:00 p.m.

Recessed: 5:05 p.m.

Reconvened: 5:35 p.m.

Recessed: 6:45 p.m.

Reconvened: March 25, 2004, 8:10 a.m.

Adjourned: 9:20 a.m.

COMMERCE

Convened: March 25, 2004, 1:35 p.m.

Members Present: Behn, Chair; Wieck, Vice Chair; Warnstadt, Ranking Member; Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart.

Members Absent: McCoy (excused).

Committee Business: Passed HF's 2243 (as amended), 2269 (as amended), 2434 (as amended), 2489 (as amended), 2490, and 2521 and approved the Governor's appointees.

Adjourned: 2:00 p.m.

ECONOMIC GROWTH

Convened: March 25, 2004, 12:35 p.m.

Members Present: Rehberg, Chair; Shull, Vice Chair; Hatch, Ranking Member; Beall, Dotzler, Putney, Ragan, Seymour, Stewart, and Ward.

Members Absent: Boettger, McKinley, and Veenstra (all excused).

Committee Business: Passed HF 2520 and approved the Governor's appointees.

Adjourned: 12:50 p.m.

JUDICIARY

Convened: March 25, 2004, 11:25 a.m.

Members Present: Redfern, Chair; Kettering, Vice Chair; Kreiman, Ranking Member; Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward.

Members Absent: None.

Committee Business: Passed HF's 22, 265, 561, 2146, 2149, 2231, 2259 (as amended), 2395, 2450, 2481, 2505, 2516, 2528, 2530, and 2533. Approved the Governor's appointee.

Adjourned: 12:30 p.m.

LOCAL GOVERNMENT

Convened: March 25, 2004, 2:15 p.m.

Members Present: Gaskill, Chair; Miller, Vice Chair; Quirnbach, Ranking Member; Angelo, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart.

Members Absent: Kreiman and McCoy (both excused).

Committee Business: Passed HF's 2145, 2225, 2471, and 2473.

Adjourned: 2:35 p.m.

NATURAL RESOURCES AND ENVIRONMENT

Convened: March 25, 2004, 12:40 p.m.

Members Present: Houser, Chair; Johnson, Vice Chair; Seng, Ranking Member; Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern.

Members Absent: Zieman (excused).

Committee Business: Passed HF's 2352, 2432, 2451, and 2517.

Adjourned: 1:05 p.m.

RULES AND ADMINISTRATION

Convened: March 25, 2004, 9:30 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SCR 115 and SRs 135, 136, and 137.

Adjourned: 9:35 a.m.

STATE GOVERNMENT

Convened: March 25, 2004, 2:20 p.m.

Members Present: Zieman, Chair; Sievers, Vice Chair; Kibbie, Ranking Member; Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward.

Members Absent: None.

Committee Business: Passed HF's 2193, 2496, and 2497 (as amended) and approved the Governor's appointees.

Adjourned: 3:00 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Joint Resolution 2010, by committee on Ways and Means, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

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

Senate Resolution 140, by Tinsman and Miller, a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans.

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

INTRODUCTION OF BILLS

Senate File 2297, by committee on Ways and Means, a bill for an act relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

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

Senate File 2298, by committee on Appropriations, a bill for an act making, reducing, and transferring appropriations, providing for

other properly related matters, and including effective and applicability date provisions.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 138

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 139

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2231

JUDICIARY: Redfern, Chair; Gaskill and Kreiman

House File 2344

HUMAN RESOURCES: Veenstra, Chair; Behn and Ragan

House File 2465

HUMAN RESOURCES: Veenstra, Chair; Ragan and Schuerer

House File 2473

LOCAL GOVERNMENT: Houser, Chair; Kreiman and Rehberg

House File 2489

(Reassignment)

COMMERCE: Wieck, Chair; Beall and Kettering

House File 2514

GOVERNMENT OVERSIGHT: Dvorsky, Chair; Courtney and Wieck

FINAL COMMITTEE REPORTS OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2298 (SSB 3169), a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: Angelo, Lamberti, Behn, Gaskill, Houser, McKibben, McKinley, Miller, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, and Ziemann. Nays, 10: Dvorsky, Black, Bolkcom, Connolly, Dotzler, Fraise, Hatch, Horn, Seng, and Warnstadt. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Appropriations Committee on Senate File 2298, and they were attached to the committee report.

COMMERCE

Bill Title: HOUSE FILE 2490, a bill for an act relating to the uniform electronic transactions Act.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2521, a bill for an act providing for a health insurance study by the commissioner of insurance and a medical malpractice insurance solution task force and study and by providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ECONOMIC GROWTH

Bill Title: HOUSE FILE 2520, a bill for an act relating to purchasing preferences for Iowa-based products and services.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Rehberg, Shull, Hatch, Beall, Dotzler, Putney, Ragan, Seymour, Stewart, and Ward. Nays, none. Absent, 3: Boettger, McKinley, and Veenstra.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

HUMAN RESOURCES

Bill Title: HOUSE FILE 2328, a bill for an act relating to child protection confidentiality requirements involving the department of human services.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2362, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2378, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2390, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2441, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2527, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

Recommendation: DO PASS.

Final Vote: Ayes, 13: Veenstra, Seymour, Ragan, Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: HOUSE FILE 22, a bill for an act relating to the awarding of joint physical care of a child.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, 1: Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 265, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Tinsman, and Ward. Nays, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 561, a bill for an act creating the crime of invasion of privacy, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2146, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2149, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2231, a bill for an act relating to the release of sex offender registry records, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2395, a bill for an act creating the criminal offense of intellectual property counterfeiting, and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2450, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2481, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Redfern, Kettering, Boettger, Brunkhorst, Gaskill, McKibben, Miller, Tinsman, and Ward. Nays, 5: Kreiman, Fraise, Holveck, Horn, and McCoy. Present, 1: Quirmbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2505, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances.

Recommendation: DO PASS.

Final Vote: Ayes, 12: Redfern, Kettering, Boettger, Brunkhorst, Gaskill, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, 3: Kreiman, Fraise, and Holveck. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2516, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2528, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2530, a bill for an act relating to the assessment of surcharges in criminal proceedings.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2533, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirnbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

LOCAL GOVERNMENT

Bill Title: HOUSE FILE 2145, a bill for an act relating to membership on certain city planning and zoning commissions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Kreiman and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2225, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Kreiman and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2471, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Kreiman and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2473, a bill for an act relating to mental health, mental retardation, and developmental disabilities services by revising involuntary hospitalization procedures involving the county single entry point process and patient advocates and authorizing counties to create a special program fund for these services.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kettering, Rehberg, Seymour, and Stewart. Nays, none. Absent, 2: Kreiman and McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

NATURAL RESOURCES AND ENVIRONMENT

Bill Title: HOUSE FILE 2352, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 1: Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2432, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 1: Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2451, a bill for an act relating to stormwater discharge permits issued by the department of natural resources.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 1: Ziemann.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2517, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and the calculation of waste volume reduction measures.

Recommendation: DO PASS.

Final Vote: Ayes, 14: Houser, Johnson, Seng, Black, Bolkcom, Brunkhorst, Dearden, Drake, Holveck, Kettering, Kibbie, Lundby, Miller, and Redfern. Nays, none. Absent, 1: Zieman.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 115, a concurrent resolution recognizing the 35th anniversary of Iowa Public Television.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 135, a resolution honoring University of Iowa football player Nate Keading from Coralville, Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 137, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

STATE GOVERNMENT

Bill Title: HOUSE FILE 2193, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2496, a bill for an act relating to the use of titles pertaining to physical therapy and providing a penalty.

Recommendation: DO PASS.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

TRANSPORTATION

Bill Title: HOUSE FILE 2433, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Drake, Putney, Beall, Dearden, Fraise, Johnson, Rehberg, Shull, Ward, Warnstadt, and Zieman. Nays, none. Absent, 2: McCoy and Houser.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *SENATE JOINT RESOLUTION 2010 (SSB 3170), a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 7: Bolkcom, Connolly, Dotzler, McCoy, Quirnbach, Seng, and Stewart. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on Senate Joint Resolution 2010, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2297 (SSB 3168), a bill for an act relating to property taxation by establishing a maximum property tax dollars limitation for counties and cities, repealing the square footage tax, and creating a state tax implementation committee to study local and state sources of revenue, and including effective and applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: McKibben, Shull, Angelo, Hosch, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 7: Bolkcom, Connolly, Dotzler, McCoy, Quirmbach, Seng, and Stewart. Absent, 1: McKinley.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5146 | H.F. | 2538 | Steve Warnstadt |
| S-5147 | H.F. | 2484 | Larry McKibben |
| S-5148 | H.F. | 2538 | Daryl Beall Joe Bolkcom Robert E. Dvorsky |
| S-5149 | S.F. | 2267 | David Johnson |
| S-5150 | H.F. | 686 | Bryan J. Sievers |

JOURNAL OF THE SENATE

SEVENTY-EIGHTH CALENDAR DAY
FORTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, March 29, 2004

The Senate met in regular session at 10:06 a.m., President Lamberti presiding.

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Ashley Wilson.

The Journal of Thursday, March 25, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:15 a.m. until 1:30 p.m.

APPENDIX — 1

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 recommendations for confirmation:

EDUCATION

Frederick (Ted) Stilwill – Director of the Department of Education

Jonathan Wilson – State Board of Education

JUDICIARY

Thomas Becker – State Public Defender

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

Rosemarie Hussey – State Board of Education

Stephanie Savage – Iowa Higher Education Loan Authority

Clark Yeager – School Budget Review Committee

JUDICIARY

Ralph Rosenberg – Executive Director of the Iowa State Civil Rights Commission

Ed Barnes – Iowa Drug Policy Advisory Council

Douglas Book – Iowa Drug Policy Advisory Council

Richard Bordwell – Board of Parole

STATE GOVERNMENT

Susan Loy – Accountancy Examining Board

Carol Schuster – Accountancy Examining Board

Wesley Stille – Accountancy Examining Board

Gilbert "Ron" Dardis – State of Iowa Adjutant General

Beverly Allen – Commission on the Status of African-Americans

Jamie Howard – Commission on the Status of African-Americans

Thomas Simmons – Commission on the Status of African-Americans

Loretha Teggatz – Commission on the Status of African-Americans

Jerome Thomas – Commission on the Status of African-Americans

Carolyn Cavitt – 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

Becky Brockmann – Board of Cosmetology Arts and Sciences Examiners

Jack Morlan – Board of Cosmetology Arts and Sciences Examiners

Deena Kuempel – Board of Dental Examiners

Richard Reay – Board of Dental Examiners

Peter Vidal – Board of Dental Examiners

Jean Anderson – Board of Dietetic Examiners

Susan Lagneaux – Iowa Emergency Response Commission

Patricia Heagel – Engineering and Land Surveying Examining Board

Dennis Osipowicz – Engineering and Land Surveying Examining Board

Betsy Roe – Iowa Ethics and Campaign Disclosure Board

John Walsh – Iowa Ethics and Campaign Disclosure Board

Gregory Hoyman – Board for the Licensing and Regulation of Hearing Aid
Dispensers

Gregory Moore – Board for the Licensing and Regulation of Hearing Aid Dispensers

Mary Elizabeth Brandsgard – Information Technology Council

Sandra Glenn – Information Technology Council

Timothy Lapointe – Information Technology Council

Sheila Castaneda – IowAccess Advisory Council

Kelly Hayworth – IowAccess Advisory Council

Richard Neri – IowAccess Advisory Council

Herbert Strentz – IowAccess Advisory Council

Phyllis Peterson – Investment Board of the IPERS

Jon Crose – Landscape Architectural Examining Board

Julie Westerheim – Landscape Architectural Examining Board

Timothy Clausen – Iowa Lottery Authority Board of Directors

Mary Belieu – Board of Massage Therapy Examiners
Cindy Pancratz – Board of Massage Therapy Examiners

Blaine Houmes – Board of Medical Examiners
Russell Lee – Board of Medical Examiners
Yasyn Lee – Board of Medical Examiners
Paul Thurlow – Board of Medical Examiners

Margaret Eicher – Board of Mortuary Science Examiners
Eugene Siegert – Board of Mortuary Science Examiners

Clyde Bradley – Board of Nursing Examiners
Jane Hasek – Board of Nursing Examiners
William Miller – Board of Nursing Examiners

Margaret Beaty – State Board of Examiners for Nursing Home Administrators
Judy Weller – State Board of Examiners for Nursing Home Administrators

Connie Connolly – Board of Optometry Examiners
Christopher Olson – Board of Optometry Examiners

Terrance Lillis – Peace Officers' Retirement, Accident, and Disability System
Trustee

Kathleen Halloran – Board of Pharmacy Examiners
Michael Seifert – Board of Pharmacy Examiners

Cheryl Stewart – Board of Physical and Occupational Therapy Examiners
Martin Ungs – Board of Physical and Occupational Therapy Examiners
Kurt Walderbach – Board of Physical and Occupational Therapy Examiners

Eric Jensen – Board of Podiatry Examiners
Jill Scholz – Board of Podiatry Examiners
Matthew Wilber – Board of Podiatry Examiners

Francisco Barrios – Board of Psychology Examiners
Sandra Dirks – Board of Psychology Examiners

Michael Mahaffey – State Racing and Gaming Commission

Richard DeHeer – Real Estate Appraiser Examining Board
Richard Koestner – Real Estate Appraiser Examining Board

Donald Marple – Real Estate Commission

Kerry George – State Board for Respiratory Care

Lance Clemsen – Board of Social Work Examiners
Ken Zimmerman – Board of Social Work Examiners

Jason Aird – Board of Speech Pathology and Audiology Examiners
Coral Jud – Board of Speech Pathology and Audiology Examiners

Arthur Dayton – Commission of Veterans Affairs
Darlene McMartin – Commission of Veterans Affairs
Steven Mulcahy – Commission of Veterans Affairs

Earl Goerdts – Iowa Board of Veterinary Medicine

Lorna Burnside – Vision Iowa Board
Gregg Connell – Vision Iowa Board
Mike Edwards – Vision Iowa Board
Cathy Reece – Vision Iowa Board

CERTIFICATES OF RECOGNITION

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

Zak Clark, Fort Dodge—For being named Saint Edmond's boys' basketball all-time career scoring leader with 1,513 points. Senator Beall (3/20/04).

Mr. and Mrs. Richard Crawford, Hampton—For celebrating your 50th wedding anniversary. Senator Iverson (3/29/04).

The Dunkerton Boys' Basketball Team—For winning the 2004 State Championship. Senator Rehberg (3/25/04).

Tim Flattery, Saint Edmond High School, Fort Dodge—For being selected for the Iowa boys' basketball 2A All-Tournament Team and for receiving the boys' basketball Student-Athlete Achievement Award. Senator Beall (3/20/04).

Jill Johnson, Rockwell City-Lytton High School—For being selected for the Iowa All-Tournament Girls' Basketball Team. Senator Beall (3/12/04).

Benjamin Alan Lamfers, Sioux Center—For achieving the rank of Eagle Scout, Boy Scout Troop 211. Senator Veenstra (4/18/04).

Afton Ringgenberg, Rockwell City-Lytton High School—For being selected for the Iowa All-Tournament Girls' Basketball Team. Senator Beall (3/12/04).

Rockwell City-Lytton Girls' Basketball Team—For winning the Class 1A State Championship. Senator Beall (3/12/04).

Rockwell City-Lytton School District—For receiving the Farm Bureau Financial Services Good Sportsmanship Award. Senator Beall (3/12/04).

Saint Edmond Gaels, Fort Dodge—For being the Iowa state boys' basketball 2A runner-up champions. Senator Beall (3/20/04).

Saint Edmond fans and cheerleaders, Fort Dodge—For receiving the boys' basketball 2A Sportsmanship Award. Senator Beall (3/20/04).

Nick Sandvig, Saint Edmond High School, Fort Dodge—For being selected for the Iowa boys' basketball 2A All-Tournament Team. Senator Beall (3/20/04).

Megan Srinivas, Fort Dodge—For winning the Sports Illustrated All-American Teen Award. Senator Beall (3/21/04).

Mr. and Mrs. James Whitney, Sheffield—For celebrating your 60th wedding anniversary. Senator Iverson (3/29/04).

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: March 29, 2004, 12:10 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Passed SFs 261 (as amended) and 2178.

Adjourned: 12:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 141, by Lundby, a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 140

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

SSB 3014
(Reassignment)

GOVERNMENT OVERSIGHT: Wieck, Chair; Brunkhorst, Courtney, Dvorsky, and Lundby

FINAL COMMITTEE REPORTS OF BILL ACTION

COMMERCE

Bill Title: HOUSE FILE 2243, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5155.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5153.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5154.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2489, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive

health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5156.

Final Vote: Ayes, 14: Behn, Wieck, Warnstadt, Beall, Bolkcom, Brunkhorst, Gronstal, Kettering, Lundby, Putney, Redfern, Schuerer, Sievers, and Stewart. Nays, none. Absent, 1: McCoy.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

JUDICIARY

Bill Title: *HOUSE FILE 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5151.

Final Vote: Ayes, 15: Redfern, Kettering, Kreiman, Boettger, Brunkhorst, Fraise, Gaskill, Holveck, Horn, McCoy, McKibben, Miller, Quirmbach, Tinsman, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Judiciary Committee on House File 2259, and they were attached to the committee report.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. 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 25th day of March, 2004:

Senate Joint Resolution 2007 and Senate Files 2070, 2118, 2167, and 2199.

ALSO:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 29th day of March, 2004:

Senate Files 2188 and 2230.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on March 29, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.J.R. 2007 – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation.

S.F. 2070 – Relating to duties and activities of the state department of transportation, including the registration and titling of motor vehicles, regulation of electric personal assistive mobility devices, and issuance of commercial driver's licenses, and providing effective dates.

S.F. 2118 – Regarding public utility rights-of-way and providing an effective date.

S.F. 2167 – Relating to the Iowa probate code, including provisions relating to estate recovery of medical assistance benefits, the power to disclaim property interests, and trusts.

S.F. 2199 – Relating to residential landlord-tenant law, by making certain changes concerning family violence and domestic abuse.

AFTERNOON SESSION

The Senate reconvened at 1:34 p.m., President Lamberti presiding.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:11 p.m., Senator McKibben presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Dvorsky, until he returns, on request of Senator Gronstal; and Senators McKinley and Miller, for the day, on request of Senator Veenstra.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2042 and 2170.

House File 2042

On motion of Senator Kreiman, **House File 2042**, a bill for an act relating to the donation of blood by persons sixteen years of age, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2042), the vote was:

Yeas, 46:

| | | | |
|----------|----------|----------|----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |

| | | | |
|------------|-----------|-----------|-----------|
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|----------|--------|
| Dvorsky | Larson | McKinley | Miller |
|---------|--------|----------|--------|

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

House File 2170

On motion of Senator Ward, **House File 2170**, a bill for an act relating to product liability actions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2170), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|----------|--------|
| Dvorsky | Larson | McKinley | Miller |
|---------|--------|----------|--------|

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 2288.

Senate File 2288

On motion of Senator Seymour, **Senate File 2288**, 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 Seymour offered amendment S-5162, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5162 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (S.F. 2288), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, none.

Absent, 4:

Dvorsky

Larson

McKinley

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 **Senate File 2288** and **House Files 2042** and **2170** 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 2241, 2281, and 2318.

House File 2241

On motion of Senator Hosch, **House File 2241**, a bill for an act authorizing school districts and nonpublic schools to apply credit under the state education program for successful completion of military basic training, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2241), the vote was:

Yeas, 46:

Angelo

Fraise

Kreiman

Seymour

Beall

Gaskill

Lamberti

Shull

Behn

Gronstal

Lundby

Sievers

Black

Hatch

McCoy

Stewart

Boettger

Holveck

McKibben

Tinsman

Bolkcom

Horn

Putney

Veenstra

Brunkhorst

Hosch

Quirnbach

Ward

Connolly

Houser

Ragan

Warnstadt

| | | | |
|----------|-----------|----------|--------|
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|----------|--------|
| Dvorsky | Larson | McKinley | Miller |
|---------|--------|----------|--------|

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

House File 2281

On motion of Senator Brunkhorst, **House File 2281**, a bill for an act relating to licensing of nonresident bait dealers, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Houser offered amendment S-5103, filed by the committee on Natural Resources and Environment on March 16, 2004, to page 1 and to the title page of the bill, and moved its adoption.

Amendment S-5103 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2281), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2241, 2281, and 2318** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2358, 2282, and 2381.

House File 2358

On motion of Senator Hosch, **House File 2358**, a bill for an act providing for technical and substantive changes relating to the practice of cosmetology, establishing penalties, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2358), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|----------|--------|
| Dvorsky | Larson | McKinley | Miller |
|---------|--------|----------|--------|

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

House File 2282

On motion of Senator Brunkhorst, **House File 2282**, a bill for an act relating to the selling of bait by an aquaculture unit licensee, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2282), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Shull |
| Beall | Gaskill | Lamberti | Sievers |
| Behn | Gronstal | Lundby | Stewart |
| Black | Hatch | McKibben | Tinsman |
| Boettger | Holveck | Putney | Veenstra |
| Bolkcom | Horn | Quirnbach | Ward |
| Brunkhorst | Hosch | Ragan | Warnstadt |
| Connolly | Houser | Redfern | Wieck |
| Courtney | Iverson | Rehberg | Zieman |
| Dearden | Johnson | Schuerer | |
| Dotzler | Kettering | Seng | |
| Drake | Kibbie | Seymour | |

Nays, 1:

McCoy

Absent, 4:

| | | | |
|---------|--------|----------|--------|
| Dvorsky | Larson | McKinley | Miller |
|---------|--------|----------|--------|

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

House File 2381

On motion of Senator Seymour, **House File 2381**, a bill for an act changing the budget certification deadline for county hospital budgets, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2381), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2282, 2358, and 2381** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House File 2383.

House File 2383

On motion of Senator Putney, **House File 2383**, a bill for an act relating to rural improvement zones, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2383), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

UNFINISHED BUSINESS
(Deferred February 24, 2004)

House File 2187

The Senate resumed consideration of **House File 2187**, a bill for an act providing for the elimination of an examination requirement as

a prerequisite for being designated a registered dental assistant, with report of committee on State Government recommending passage, deferred February 24, 2004.

Senator Connolly asked and received unanimous consent that action on **House File 2187** be **deferred**.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House File 2431.

House File 2431

On motion of Senator Seymour, **House File 2431**, a bill for an act relating to educational institutions under the university-based research utilization program, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2431), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2383** and **2431** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2450, 2362, and 2464.

House File 2450

On motion of Senator Kettering, **House File 2450**, a bill for an act relating to real property, including acknowledgments of real property conveyances and limitations on causes of action concerning real property, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2450), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

Larson McKinley Miller

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

House File 2362

On motion of Senator Hosch, **House File 2362**, a bill for an act relating to the duties of the birth defects institute by providing for a work group to study stillbirths and renaming the institute, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2362), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

Larson McKinley Miller

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

House File 2464

On motion of Senator Ragan, **House File 2464**, a bill for an act providing for the establishment and funding of an automated external defibrillator grant program, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2464), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2362, 2450, and 2464** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2506, 2479, and 2490.

House File 2506

On motion of Senator Seymour, **House File 2506**, a bill for an act relating to electronic and facsimile prescriptions and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2506), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

President Lamberti took the chair at 4:40 p.m.

House File 2479

On motion of Senator Fraise, **House File 2479**, a bill for an act relating to the regulation and zoning of commercial canine operations, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2479), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

House File 2490

On motion of Senator Schuerer, **House File 2490**, a bill for an act relating to the uniform electronic 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. 2490), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirmbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2479, 2490, and 2506** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House File 2134.

House File 2134

On motion of Senator Tinsman, **House File 2134**, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S-5094, filed by the committee on Human Resources on March 15, 2004, to pages 1 and 2 of the bill.

Senator Tinsman offered amendment S-5161, filed by her from the floor to page 1 of amendment S-5094, and moved its adoption.

Amendment S-5161 was adopted by a voice vote.

Senator Tinsman moved the adoption of amendment S-5094, as amended.

Amendment S-5094 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. 2134), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

FINAL COMMITTEE REPORT OF BILL ACTION

STATE GOVERNMENT

Bill Title: HOUSE FILE 2497, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5163.

Final Vote: Ayes, 15: Zieman, Sievers, Kibbie, Black, Connolly, Courtney, Dearden, Drake, Johnson, Ragan, Schuerer, Shull, Tinsman, Veenstra, and Ward. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House File 2497.

House File 2497

On motion of Senator Shull, **House File 2497**, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Zieman offered amendment S-5163, filed by the committee on State Government to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5163 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2497), the vote was:

Yeas, 47:

Angelo
Beall

Dvorsky
Fraise

Kibbie
Kreiman

Seng
Seymour

| | | | |
|------------|-----------|-----------|-----------|
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2134** and **2497** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2496 and 2269.

House File 2496

On motion of Senator Ragan, **House File 2496**, a bill for an act relating to the use of titles pertaining to physical therapy and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2496), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirmbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

House File 2269

On motion of Senator Schuerer, **House File 2269**, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalty, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Schuerer offered amendment S-5153, filed by the committee on Commerce to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5153 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2269), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Kreiman | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | Lundby | Sievers |
| Boettger | Hatch | McCoy | Stewart |
| Bolkcom | Holveck | McKibben | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Miller |
|--------|----------|--------|

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2269** and **2496** be **immediately messaged** to the House.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber a group of visiting dignitaries from Nigeria:

Governor Attahiru Baffarana of the state of Sokoto and his wife Mrs. J. Baffarana; former Governor Mohammed Lawal of the state of Kwar; Mr. Hamzat Isa, Head of Education in Sokoto; and Mr. Ahmad Abubakar of the Nigerian Embassy.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2243, 2520, and 2350.

House File 2243

On motion of Senator Sievers, **House File 2243**, a bill for an act regarding notice requirements by customers of and limitations on liability for liquefied petroleum gas suppliers, retailers, handlers, and transports, and making a penalty applicable, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Behn offered amendment S-5155, filed by the committee on Commerce to page 1 and to the title page of the bill.

Senator Sievers offered amendment S-5169, filed by him from the floor to page 1 of amendment S-5155, and moved its adoption.

Amendment S-5169 was adopted by a voice vote.

Senator Sievers moved the adoption of amendment S-5155, as amended.

Amendment S-5155 was adopted by a voice vote.

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

On the question "Shall the bill pass?" (H.F. 2243), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seymour |
| Beall | Fraise | Kreiman | Shull |
| Behn | Gaskill | Lamberti | Sievers |
| Black | Gronstal | Lundby | Stewart |
| Boettger | Hatch | McCoy | Tinsman |
| Bolkcom | Holveck | McKibben | Veenstra |
| Brunkhorst | Horn | Putney | Ward |
| Connolly | Hosch | Quirnbach | Warnstadt |
| Courtney | Houser | Ragan | Wieck |
| Dearden | Iverson | Rehberg | Zieman |
| Dotzler | Johnson | Schuerer | |
| Drake | Kettering | Seng | |

Nays, none.

Absent, 4:

| | | | |
|--------|----------|--------|---------|
| Larson | McKinley | Miller | Redfern |
|--------|----------|--------|---------|

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

House File 2520

On motion of Senator Seymour, **House File 2520**, a bill for an act relating to purchasing preferences for Iowa-based products and services, with report of committee recommending passage, was taken up for consideration.

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

On the question “Shall the bill pass?” (H.F. 2520), the vote was:

Yeas, 46:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seymour |
| Beall | Fraise | Kreiman | Shull |
| Behn | Gaskill | Lamberti | Sievers |
| Black | Gronstal | Lundby | Stewart |
| Boettger | Hatch | McCoy | Tinsman |
| Bolkcom | Holveck | McKibben | Veenstra |
| Brunkhorst | Horn | Putney | Ward |
| Connolly | Hosch | Quirnbach | Warnstadt |
| Courtney | Houser | Ragan | Wieck |

| | | | |
|---------|-----------|----------|--------|
| Dearden | Iverson | Rehberg | Zieman |
| Dotzler | Johnson | Schuerer | |
| Drake | Kettering | Seng | |

Nays, none.

Absent, 4:

| | | | |
|--------|----------|--------|---------|
| Larson | McKinley | Miller | Redfern |
|--------|----------|--------|---------|

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

House File 2350

On motion of Senator Behn, **House File 2350**, a bill for an act relating to family investment program eligibility requirements involving motor vehicle equity, family investment plans, limited benefit plans, and required school attendance and including an applicability provision, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2350), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seymour |
| Beall | Fraise | Kreiman | Shull |
| Behn | Gaskill | Lamberti | Sievers |
| Black | Gronstal | Lundby | Stewart |
| Boettger | Hatch | McCoy | Tinsman |
| Bolkcom | Holveck | McKibben | Veenstra |
| Brunkhorst | Horn | Putney | Ward |
| Connolly | Hosch | Quirnbach | Warnstadt |
| Courtney | Houser | Ragan | Wieck |
| Dearden | Iverson | Rehberg | Zieman |
| Dotzler | Johnson | Schuerer | |
| Drake | Kettering | Seng | |

Nays, none.

Absent, 4:

Larson

McKinley

Miller

Redfern

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2243, 2350, and 2520** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 29, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2148, a bill for an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

Senate File 2202, a bill for an act relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

Senate File 2257, a bill for an act relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

Senate File 2274, a bill for an act relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

ALSO: That the House has on March 29, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 371, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date. (S-5172)

ALSO: That the House has on March 29, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2544, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

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

House File 2552, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates.

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

House File 2553, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

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

ADJOURNMENT

On motion of Senator Gaskill, the Senate adjourned at 5:52 p.m. until 8:30 a.m., Tuesday, March 30, 2004.

APPENDIX — 2

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 116, by McKibben, a concurrent resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent.

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

Senate Resolution 142, by Boettger, a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa.

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

INTRODUCTION OF BILLS

Senate File 2299, by committee on Government Oversight, a bill for an act establishing a planning group for unifying state administration of services utilized by elderly Iowans.

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

Senate File 2300, by committee on Government Oversight, a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

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

Senate File 2301, by Iverson, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

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

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 141

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2271

APPROPRIATIONS: Houser, Chair; Bolkcom and Miller

FINAL COMMITTEE REPORTS OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: *SENATE FILE 2299 (formerly SF 261), a bill for an act establishing a planning group for unifying state administration of services utilized by elderly Iowans.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Government Oversight Committee on Senate File 2299, and they were attached to the committee report.

ALSO:

Bill Title: SENATE FILE 2300 (formerly SF 2178), a bill for an act providing for energy performance-based contracts for certain public entities and public educational facilities.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 4: Lundby, Courtney, Dvorsky, and Wieck. Nays, 1: Brunkhorst. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|---------------------|
| S-5151 | H.F. | 2259 | Judiciary |
| S-5152 | S.F. | 2298 | Herman C. Quirmbach |
| S-5153 | H.F. | 2269 | Commerce |
| S-5154 | H.F. | 2434 | Commerce |
| S-5155 | H.F. | 2243 | Commerce |

| | | | |
|--------|------|------|---|
| S-5156 | H.F. | 2489 | Commerce |
| S-5157 | H.F. | 2484 | Joe Bolkcom Thomas G. Courtney Roger Stewart Herman C. Quirmbach |
| S-5158 | S.F. | 2298 | Ken Veenstra |
| S-5159 | S.R. | 123 | Jerry Behn |
| S-5160 | H.F. | 2460 | Bob Brunkhorst Daryl Beall Keith A. Kreiman |
| S-5161 | H.F. | 2134 | Maggie Tinsman |
| S-5162 | S.F. | 2288 | James A. Seymour |
| S-5163 | H.F. | 2497 | State Government |
| S-5164 | H.F. | 2527 | Keith A. Kreiman |
| S-5165 | H.F. | 2515 | Gene Fraise Jeff Angelo |
| S-5166 | S.F. | 2291 | Herman C. Quirmbach |
| S-5167 | H.F. | 2418 | Mike Connolly |
| S-5168 | H.F. | 2489 | Matt W. McCoy |
| S-5169 | H.F. | 2243 | Bryan J. Sievers |
| S-5170 | S.F. | 2296 | Herman C. Quirmbach |
| S-5171 | H.F. | 686 | Mike Connolly |
| S-5172 | S.F. | 371 | House |
| S-5173 | S.F. | 2296 | Herman C. Quirmbach |
| S-5174 | S.F. | 2260 | Nancy J. Boettger |

JOURNAL OF THE SENATE

SEVENTY-NINTH CALENDAR DAY
FORTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, March 30, 2004

The Senate met in regular session at 8:36 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Thomas Prochnow, pastor of the Gilbert Lutheran Church in Gilbert, Iowa. He was the guest of Senator Quirnbach.

The Journal of Monday, March 29, 2004, was approved.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 143, by Boettger, a resolution honoring Harlan Community Schools for their achievements in academics, music, vocational training, and sports.

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

Senate Resolution 144, by Wieck and Warnstadt, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

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

RECESS

On motion of Senator Iverson, the Senate recessed at 8:42 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:46 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 143, a resolution honoring Harlan Community Schools for their achievements in academics, music, vocational training, and sports.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 143.

Senate Resolution 143

On motion of Senator Boettger, **Senate Resolution 143**, a resolution honoring Harlan Community Schools for their achievements in academics, music, vocational training, and sports, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 143, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Boettger welcomed to the Senate chamber athletes, coaches, and administrators from Harlan Community Schools.

The Senate rose and expressed its welcome.

BILL REFERRED TO COMMITTEE

Senator Iverson asked and received unanimous consent that **House File 2302** be referred from the Regular Calendar to the committee on **Ways and Means**.

The Senate stood at ease at 9:04 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:35 a.m., President Pro Tempore Angelo presiding.

QUORUM CALL

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

The vote revealed 32 present, 18 absent, and a quorum present.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Iverson and Lamberti, until they return, on request of Senator Ward.

CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2260.

Senate File 2260

On motion of Senator Boettger, **Senate File 2260**, a bill for an act relating to evidence in a sexual abuse case, was taken up for consideration.

Senator Dvorsky offered amendment S-5131, filed by him on March 23, 2004, to page 1 and to the title page of the bill.

Senator Boettger raised the point of order that amendment S-5131 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5131 out of order.

Senator Boettger offered amendment S-5174, filed by her on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5174 was adopted by a voice vote.

Senator Boettger asked and received unanimous consent that **House File 2522** be **substituted** for **Senate File 2260**.

House File 2522

On motion of Senator Boettger, **House File 2522**, a bill for an act relating to evidence in a sexual abuse case, 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. 2522), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Seng |
| Beall | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Bolkcom | Holveck | Miller | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|----------|--------|
| Iverson | Lamberti | Larson |
|---------|----------|--------|

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 2260** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House Files 2167 and 2397.

House File 2167

On motion of Senator Ward, **House File 2167**, a bill for an act to eliminate the inspections division of the department of inspections and appeals, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2167), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Seng |
| Beall | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Bolkcom | Holveck | Miller | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

Iverson Lamberti Larson

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

House File 2397

On motion of Senator Gaskill, **House File 2397**, a bill for an act relating to the act or property of a public utility with respect to the definition of nuisance, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2397), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Lundby | Seymour |
| Beall | Fraise | McCoy | Shull |
| Behn | Gaskill | McKibben | Sievers |
| Black | Gronstal | McKinley | Stewart |
| Boettger | Hatch | Miller | Tinsman |
| Bolkcom | Holveck | Putney | Veenstra |
| Brunkhorst | Horn | Quirmbach | Ward |
| Connolly | Hosch | Ragan | Warnstadt |
| Courtney | Houser | Redfern | Wieck |
| Dearden | Kettering | Rehberg | |
| Dotzler | Kibbie | Schuerer | |
| Drake | Kreiman | Seng | |

Nays, 2:

Johnson Zieman

Absent, 3:

Iverson Lamberti Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House Files 2167, 2397, and 2522** be **immediately messaged** to the House.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House File 2493.

House File 2493

On motion of Senator Ward, **House File 2493**, a bill for an act relating to regulation of sales at unused property markets and providing penalties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2493), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Lundby | Seymour |
| Beall | Fraise | McCoy | Shull |
| Behn | Gaskill | McKibben | Sievers |
| Black | Gronstal | McKinley | Stewart |
| Boettger | Hatch | Miller | Tinsman |
| Bolkcom | Holveck | Putney | Veenstra |
| Brunkhorst | Horn | Quirmbach | Ward |
| Connolly | Hosch | Ragan | Warnstadt |
| Courtney | Houser | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |

Nays, 1:

Kreiman

Absent, 3:

Iverson

Lamberti

Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House File 2493** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House File 2149.

House File 2149

On motion of Senator Ward, **House File 2149**, a bill for an act relating to the prosecution of certain simple misdemeanors committed in a city located in two or more counties, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2149), the vote was:

Yeas, 49:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |

| | | |
|---------|-----------|----------|
| Dotzler | Kettering | Rehberg |
| Drake | Kibbie | Schuerer |
| Dvorsky | Kreiman | Seng |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House File 2149** be **immediately messaged** to the House.

CONSIDERATION OF BILL (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House File 2186.

House File 2186

On motion of Senator Miller, **House File 2186**, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, with report of committee recommending passage, was taken up for consideration.

Senator Miller offered amendment S-5105, filed by him on March 16, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5105 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. 2186), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cannolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House File 2186** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 144, a resolution honoring the Morningside College Women's Basketball Team on their national championship.

Recommendation: DO PASS.

Final Vote: Ayes, 8: Iverson, Gronstal, Courtney, Drake, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 3: Lamberti, Boettger, and Dvorsky.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 144.

Senate Resolution 144

On motion of Senator Wieck, **Senate Resolution 144**, a resolution honoring the Morningside College Women's Basketball Team on their national championship, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved the adoption of Senate Resolution 144, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Wieck welcomed to the Senate chamber President John C. Reynders, Coach Jamie Sale, and members of the Morningside College Women's Basketball Team. President Reynders and Coach Sale addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Joint Resolution 2010.

Senate Joint Resolution 2010

On motion of Senator McKibben, **Senate Joint Resolution 2010**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect, was taken up for consideration.

The Senate stood at ease at 11:53 a.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 12:05 p.m., President Pro Tempore Angelo presiding.

Senator Gronstal asked and received unanimous consent that action on **Senate Joint Resolution 2010** be **deferred**.

The Senate stood at ease at 12:07 p.m. until the fall of the gavel.

The Senate resumed session at 12:58 p.m., President Pro Tempore Angelo presiding.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2138 and 2351.

House File 2138

On motion of Senator Ward, **House File 2138**, a bill for an act relating to payment of legal expenses for indigent persons by the state public defender, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2138), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

House File 2351

On motion of Senator Brunkhorst, **House File 2351**, a bill for an act relating to enforcement of waste tire violations and providing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2351), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2138** and **2351** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

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

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2476 and 2452.

House File 2476

On motion of Senator Zieman, **House File 2476**, a bill for an act regulating transmissible viruses afflicting poultry and providing penalties, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Zieman offered amendment S-5138, filed by the committee on Agriculture on March 24, 2004, to pages 1 and 3-5 of the bill, and moved its adoption.

Amendment S-5138 was adopted by a voice vote.

Senator Zieman offered amendment S-5198, filed by him from the floor to page 2 and to the title page of the bill, and moved its adoption.

Amendment S-5198 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. 2476), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |
| Dvorsky | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|-------|--------|
| Beall | Larson |
|-------|--------|

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

House File 2452

On motion of Senator Sievers, **House File 2452**, a bill for an act providing for licensure requirements relating to the practice of athletic training and increasing a penalty, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2452), the vote was:

Yeas, 49:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |

| | | | |
|---------|-----------|----------|--------|
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2452** and **2476** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred March 29, 2004)

House File 2187

The Senate resumed consideration of **House File 2187**, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, deferred March 29, 2004.

Senator Connolly offered amendment S-5194, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5194 lost by a voice vote.

Senator Connolly asked and received unanimous consent that action on **House File 2187** be **deferred**.

CONSIDERATION OF BILL (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House File 2460.

House File 2460

On motion of Senator Brunkhorst, **House File 2460**, a bill for an act relating to school district enrollment of students listed on the sex offender registry, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Brunkhorst offered amendment S-5160, filed by Senators Brunkhorst, Beall, and Kreiman on March 29, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5160 was adopted by a voice vote.

With the adoption of amendment S-5160, the Chair ruled amendment S-5121, filed by the committee on Education on March 23, 2004, to page 1 of the bill, out of order.

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

On the question "Shall the bill pass?" (H.F. 2460), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Cconnolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House File 2460** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2146 and 2201.

House File 2146

On motion of Senator Boettger, **House File 2146**, a bill for an act making changes to sex offender registry requirements for persons convicted of incest against a dependent adult, 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. 2146), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

House File 2201

On motion of Senator Ward, **House File 2201**, a bill for an act providing for exemptions from massage therapy licensure requirements, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2201), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2146** and **2201** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Regular Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration House Files 2270 and 2404.

House File 2270

On motion of Senator Wieck, **House File 2270**, a bill for an act relating to certain notice requirements for cooperative associations retaining abandoned property, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2270), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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

House File 2404

On motion of Senator Shull, **House File 2404**, a bill for an act relating to certain alternative forms of county and city government by providing for county redistricting and representation, charter commission administration, application of various statutory requirements, the manner in which a charter may be proposed and adopted, amendment of a charter, the organization of the governing body, and inclusions in a charter, making technical changes relating to the administration and authority of a city-county consolidated government and a community commonwealth, making changes related to multicounty consolidation, and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

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

On the question "Shall the bill pass?" (H.F. 2404), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, 1:

Kreiman

Absent, 1:

Larson

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

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2270** and **2404** be **immediately messaged** to the House.

President Lamberti took the chair at 2:00 p.m.

BUSINESS PENDING

Senate Joint Resolution 2010

The Senate resumed consideration of **Senate Joint Resolution 2010**, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect, previously deferred.

Senator Gronstal offered amendment S-5206, filed by Senator Gronstal, et al., from the floor striking and replacing everything after the enacting clause of the resolution, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5206 be adopted?" (S.J.R. 2010), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |

Gaskill
Hosch

Lundby
McKibben

Schuerer
Seymour

Wieck
Zieman

Absent, 1:

Larson

Amendment S–5206 lost.

Senator McKibben 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 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The following amendment to the Constitution of the State of Iowa is proposed:

The Constitution of the State of Iowa is amended by adding the following new sections to new Article XIII:

ARTICLE XIII

PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES

PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES. SECTION 1. If all tax and fee increases adopted in a fiscal year would produce new annual revenue exceeding one percent of total state general fund revenue received in the preceding fiscal year, excluding transfers from other state funds, the increases shall be submitted to the electors, starting with the largest increase and including increases in descending order, except the remaining increases that total one percent or less. All increases of any one tax or fee shall together be regarded as one increase. An adopted tax or fee increase required by this article to be submitted to the electors shall take effect only if submitted to the electors at the next state general election and approved by a majority of the electors voting thereon.

APPLICATION. SEC. 2. In this article:

1. "Local governments" includes all political subdivisions.
2. "Increase" includes, but is not limited to, imposing a new tax or fee; raising a rate or amount; repealing, reducing, or delaying an exemption, deduction, credit, exclusion, reduction, or indexing

requirement; or broadening the base or scope of a tax or fee in any way.

3. "Increase" includes legislation that allows or requires one or more local governments, with or without approval by local electors, to impose or increase any tax on income, sales, or property, but excludes legislation in which the only subject matter is establishment of the state percentage of growth for school foundation aid.

4. "Increase" of property tax includes legislation that has the effect of reducing total state funds transferred to all local governments in a fiscal year in comparison with the preceding fiscal year, taking into account all legislation increasing or reducing such transfers.

5. "Increase" of property tax includes legislation that has the effect of requiring local governments to incur aggregate net cost increases in a fiscal year, after deducting increased transfers of state funds for the express purpose of offsetting those cost increases. Such increased transfers shall be deducted under this subsection and not under subsection 4.

6. "New annual revenue" means the estimated net increase over the fiscal year preceding adoption in total state general fund revenue produced by the total of all tax and fee increases adopted in a fiscal year, less estimated refunds payable as a result of the increases, all as estimated for the fiscal year in which all such increases are adopted, as if all such increases and refunds were fully effective and entirely implemented for that full fiscal year. Actual amounts, if known, shall be used instead of estimates.

7. "Adopted" or "adoption" means that after 2006, a bill has been passed and all requirements of article III have been met, so that the bill would become law except for the requirements of this article.

8. This article does not apply to taxes and fees subject to article VII, sections 5 and 8.

EMERGENCY. SEC. 3. A temporary exception to the preceding requirements of this article shall be allowed only to this extent and only if all these conditions are met: (1) the Governor requests the General Assembly to adopt an emergency tax increase for only one specified fiscal year; (2) the request specifically states the nature of the emergency, the expenditures needed to respond to the emergency, and the proposed tax increase to pay for the emergency expenditures for that year; and (3) a law declaring an emergency and providing an emergency tax increase in accordance with the Governor's specific request is passed by a vote of two-thirds of all the members elected to each branch of the General Assembly and is approved by the

Governor. Such law shall not be passed more than four months prior to the fiscal year to which it applies. Such law must be enacted prior to obligating any requested emergency expenditures.

ENFORCEMENT. SEC. 4. Any citizen or taxpayer may, within two years after a tax or fee increase is adopted, bring suit to enforce compliance with this article. If no such suit is filed within the two-year period, the elector approval requirement for that tax or fee increase is negated. The Supreme Court shall have original jurisdiction of any such suit. The Supreme Court shall invalidate any increase which should have been, but was not, submitted to the electors as required by this article and shall order that the revenue collected in violation of this article be refunded or applied to reduce future taxes. A citizen or taxpayer who brings suit and prevails shall receive from the state the costs of the suit, including reasonable attorney fees.

IMPLEMENTATION. SEC. 5. This article shall be interpreted and implemented to achieve its purpose to increase the electors' control of taxes and fees. The General Assembly shall enact laws to implement this article.

Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed amendment to the Constitution of the State of Iowa is referred to the General Assembly to be chosen at the next general election for members of the General Assembly, and the Secretary of State is directed to cause it to be published for three consecutive months previous to the date of that election as provided by law.

On the question "Shall the resolution be adopted?" (S.J.R. 2010), the vote was:

Yeas, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |

Nays, 23:

| | | | |
|----------|----------|---------|---------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | Lundby | Tinsman |

Courtney
Dearden

Hatch
Holveck

McCoy
Quirnbach

Warnstadt

Absent, 1:

Larson

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 2010** 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 2298.

Senate File 2298

On motion of Senator Angelo, **Senate File 2298**, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, was taken up for consideration.

(Action on Senate File 2298 was deferred.)

The Senate stood at ease at 3:00 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 4:11 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

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

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2009, a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

ALSO: That the House has on March 30, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2210, a bill for an act relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

ALSO: That the House has on March 30, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 297, a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates. (S-5217)

Senate File 2149, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date. (S-5214)

Senate File 2173, a bill for an act concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date. (S-5215)

Senate File 2177, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students. (S-5218)

ALSO: That the House has on March 30, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2551, a bill for an act relating to programs under the authority of the department of public health.

Read first time and referred to committee on **Ways and Means**.

BUSINESS PENDING

Senate File 2298

The Senate resumed consideration of **Senate File 2298**, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions, previously deferred.

Senator Kibbie offered amendment S-5176, filed by him from the floor to page 16 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5176 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5176 lost.

Senator Hatch offered amendment S-5209, filed by him from the floor to page 19 of the bill.

Senator Hatch withdrew amendment S-5209.

Senator Black offered amendment S-5182, filed by Senators Black and Fraise from the floor to page 24 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5182 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Rehberg |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Redfern | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 1:

Larson

Amendment S-5182 lost.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Connolly, until he returns, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2298

The Senate resumed consideration of Senate File 2298.

Senator Kreiman offered amendment S-5210, filed by Senator Kreiman, et al., from the floor to pages 29 and 36 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5210 be adopted?" (S.F. 2298), the vote was:

Yeas, 19:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Dvorsky | Horn | Ragan |
| Bolkcom | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | |

Nays, 29:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Iverson | Putney | Veenstra |
| Behn | Johnson | Redfern | Ward |
| Boettger | Kettering | Rehberg | Warnstadt |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | McKinley | Sievers | |
| Houser | Miller | Tinsman | |

Absent, 2:

| | |
|----------|--------|
| Connolly | Larson |
|----------|--------|

Amendment S-5210 lost.

Senator Dotzler offered amendment S-5205, filed by Senator Dotzler, et al., from the floor to pages 30 and 39 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5205 be adopted?" (S.F. 2298), the vote was:

Yeas, 19:

| | | | |
|-------|---------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Dvorsky | Horn | Ragan |

| | | | |
|----------|----------|---------|---------|
| Bolkcom | Fraise | Kibbie | Seng |
| Connolly | Gronstal | Kreiman | Stewart |
| Courtney | Hatch | McCoy | |

Nays, 30:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Houser | Miller | Tinsman |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Warnstadt |
| Dearden | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | McKinley | Sievers | |

Absent, 1:

Larson

Amendment S-5205 lost.

Senator Dotzler offered amendment S-5188, filed by Senator Dotzler, et al., from the floor to pages 34 and 35 of the bill.

Senator McKinley offered amendment S-5216, filed by him from the floor to page 1 of amendment S-5188, and moved its adoption.

Amendment S-5216 was adopted by a voice vote.

Senator Dotzler moved the adoption of amendment S-5188, as amended.

Amendment S-5188 was adopted by a voice vote.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Angelo.

BUSINESS PENDING

Senate File 2298

The Senate resumed consideration of Senate File 2298.

Senator Quirnbach offered amendment S-5212, filed by Senator Quirnbach, et al., from the floor to pages 39 and 187-193 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5212 be adopted?" (S.F. 2298), the vote was:

Yeas, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | Quirnbach |
| Black | Dotzler | Holveck | Ragan |
| Bolkcom | Dvorsky | Horn | Seng |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | Warnstadt |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKibben | Shull |
| Behn | Iverson | McKinley | Sievers |
| Boettger | Johnson | Miller | Tinsman |
| Brunkhorst | Kettering | Putney | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McCoy | Seymour | Zieman |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

Amendment S-5212 lost.

Senator Angelo offered amendment S-5177, filed by him from the floor to pages 39, 54, 55, 63, 159, 176, 179, 180, 187-193, and 202 of the bill.

Senator Drake offered amendment S-5213, filed by him from the floor to page 4 of amendment S-5177, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5213 to amendment S-5177 be adopted?" (S.F. 2298), the vote was:

Yeas, 42:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Shull |
| Beall | Gaskill | Lundby | Sievers |
| Behn | Gronstal | McKibben | Stewart |
| Boettger | Horn | McKinley | Tinsman |
| Bolkcom | Hosch | Miller | Veenstra |
| Brunkhorst | Houser | Putney | Ward |
| Connolly | Iverson | Quirnbach | Warnstadt |
| Courtney | Johnson | Ragan | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seymour | |

Nays, 6:

| | | |
|---------|---------|-------|
| Black | Hatch | McCoy |
| Dearden | Holveck | Seng |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

Amendment S-5213 was adopted.

Senator Angelo asked and received unanimous consent that action on amendment S-5177, as amended, be deferred.

Senator McKibben took the chair at 5:52 p.m.

Senator Quirnbach offered amendment S-5152, filed by him on March 29, 2004, to pages 39 and 40 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5152 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|---------|
| Larson | Redfern |
|--------|---------|

Amendment S-5152 lost.

Senator Tinsman withdrew amendment S-5200, filed by her from the floor to pages 42, 53, 55, 68, 73, 80, 81, 92, 97-101, 105, 107-109, 121, 122, 129, 132, 134, 136, 139, 143-145, and 194.

Senator Connolly offered amendment S-5196, filed by Senator Connolly, et al., from the floor to page 48 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5196 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

Larson Redfern

Amendment S-5196 lost.

Senator Kibbie offered amendment S-5180, filed by Senator Kibbie, et al., from the floor to pages 48 and 49 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5180 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5180 lost.

Senator Gronstal asked and received unanimous consent to withdraw amendment S-5192, filed by Senator Gronstal, et al., from the floor to pages 51 and 62 of the bill.

Senator Gronstal offered amendment S-5211, filed by Senator Gronstal, et al., from the floor, to pages 51 and 62 of the bill.

QUORUM CALL

Senator McCoy requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 32 present, 18 absent, and a quorum present.

Senator Gronstal moved the adoption of amendment S-5211.

A record roll call was requested.

On the question “Shall amendment S-5211 be adopted?” (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirnbach | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Absent, 1:

Larson

Amendment S-5211 lost.

Senator Dvorsky offered amendment S-5183, filed by Senator Dvorsky, et al., from the floor to pages 52, 57, and 58 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5183 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | Quirnbach | |
| Courtney | Hatch | Ragan | |
| Dearden | Holveck | Redfern | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKibben | Shull |
| Behn | Iverson | McKinley | Sievers |
| Boettger | Johnson | Miller | Tinsman |
| Brunkhorst | Kettering | Putney | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McCoy | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5183 lost.

Senator Connolly offered amendment S-5191, filed by Senators Connolly and Holveck from the floor to page 64 of the bill.

Senator Connolly asked and received unanimous consent that action on amendment S-5191 be deferred.

Senator McCoy offered amendment S-5195, filed by him from the floor to page 64 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5195 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|---------|---------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |

| | | |
|----------|----------|-----------|
| Connolly | Gronstal | McCoy |
| Courtney | Hatch | Quirnbach |
| Dearden | Holveck | Ragan |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5195 lost.

Senator Tinsman offered amendment S-5203, filed by her from the floor to page 71 of the bill, and moved its adoption.

Amendment S-5203 was adopted by a voice vote.

Senator Fraise offered amendment S-5186, filed by him from the floor to page 73 of the bill.

Senator Fraise withdrew amendment S-5186.

President Lamberti took the chair at 7:25 p.m.

Senator Warnstadt offered amendment S-5185, filed by Senators Warnstadt and Beall from the floor to page 77 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5185 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|---------|---------|---------|---------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |

| | | | |
|----------|----------|-----------|-----------|
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | McKibben | |
| Dearden | Holveck | Quirnbach | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Absent, 1:

Larson

Amendment S-5185 lost.

Senator Warnstadt withdrew amendment S-5190, filed by him from the floor to pages 92, 97, 99, 144, and 145 of the bill.

The Senate resumed consideration of amendment S-5191, previously deferred.

Senator Connolly asked and received unanimous consent to withdraw amendment S-5191.

Senator Kreiman offered amendment S-5197, filed by him from the floor to pages 105-107, 131, 135, and 136 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5197 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5197 lost.

Senator Veenstra offered amendment S-5158, filed by him on March 29, 2004, to page 131 of the bill, and moved its adoption.

Amendment S-5158 was adopted by a voice vote.

Senator Ragan offered amendment S-5193, filed by Senator Ragan, et al., from the floor to pages 142 and 145 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5193 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |

| | | | |
|---------|----------|----------|--------|
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5193 lost.

Senator Fraise offered amendment S-5201, filed by Senators Fraise and Beall from the floor to page 154 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5201 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5201 lost.

Senator Fraise offered amendment S-5184, filed by him from the floor to page 165 of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5184 be adopted?” (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wiek |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5184 lost.

Senator Veenstra offered amendment S-5199, filed by Senators Veenstra and Kibbie from the floor to page 177 of the bill, and moved its adoption.

Amendment S-5199 was adopted by a voice vote.

Senator Tinsman offered amendment S-5208, filed by her from the floor to page 177 of the bill, and moved its adoption.

Amendment S-5208 was adopted by a voice vote.

Senator Kibbie offered amendment S-5181, filed by Senator Kibbie, et al., from the floor to page 177 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5181 be adopted?" (S.F. 2298), the vote was:

Yeas, 23:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Drake | Horn | Ragan |
| Bolkcom | Dvorsky | Kibbie | Seng |
| Connolly | Fraise | Kreiman | Stewart |
| Courtney | Gronstal | Lundby | Warnstadt |
| Dearden | Hatch | McCoy | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Putney | Tinsman |
| Behn | Johnson | Redfern | Veenstra |
| Boettger | Kettering | Rehberg | Ward |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |
| Houser | Miller | Sievers | |

Absent, 1:

Larson

Amendment S-5181 lost.

Senator Kettering offered amendment S-5204, filed by him from the floor to page 177 of the bill, and moved its adoption.

Amendment S-5204 was adopted by a voice vote.

Senator Beall offered amendment S-5219, filed by Senators Beall, Warnstadt, and Iverson from the floor to page 177 of the bill, and moved its adoption.

Amendment S-5219 was adopted by a voice vote.

Senator McCoy offered amendment S-5202, filed by him from the floor to page 193 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5202 be adopted?" (S.F. 2298), the vote was:

Yeas, 24:

| | | | |
|----------|----------|----------|-----------|
| Beall | Dotzler | Horn | Quirnbach |
| Black | Dvorsky | Kibbie | Ragan |
| Bolkcom | Fraise | Kreiman | Seng |
| Connolly | Gronstal | Lundby | Stewart |
| Courtney | Hatch | McCoy | Tinsman |
| Dearden | Holveck | McKibben | Warnstadt |

Nays, 25:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Putney | Veenstra |
| Behn | Iverson | Redfern | Ward |
| Boettger | Johnson | Rehberg | Wieck |
| Brunkhorst | Kettering | Schuerer | Zieman |
| Drake | Lamberti | Seymour | |
| Gaskill | McKinley | Shull | |
| Hosch | Miller | Sievers | |

Absent, 1:

Larson

Amendment S-5202 lost.

Senator Redfern withdrew amendment S-5189, filed by him from the floor to page 194 of the bill.

The Senate resumed consideration of amendment S-5177, previously deferred.

Senator Angelo moved the adoption of amendment S-5177, as amended.

Amendment S-5177 was adopted by a voice vote.

Senator Tinsman withdrew amendment S-5221, filed by her from the floor to pages 42, 53, 55, 68, 73, 80, 81, 97-101, 105, 107-109, 121, 122, 129, 132, 134, 136, 139, 143-145, and 194.

Senator Tinsman offered amendment S-5223, filed by her from the floor to pages 42, 53, 55, 68, 73, 80, 81, 97-101, 105, 107-109, 121, 122, 129, 132, 134, 136, 143, 144, and 194 of the bill, and moved its adoption.

Amendment S-5223 was adopted by a voice vote.

Senator Miller offered amendment S-5222, filed by Senators Miller and Sievers from the floor to pages 167, 171, 172, 174, and 175 of the bill, and moved its adoption.

Amendment S-5222 was adopted by a voice vote.

Senator Brunkhorst offered amendment S-5220, filed by him from the floor to page 177 of the bill, and moved its adoption.

Amendment S-5220 was adopted by a voice vote.

Senator Redfern offered amendment S-5224, filed by him from the floor to page 194 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5224 be adopted?" (S.F. 2298), the vote was:

Yeas, 23:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kibbie | Seng |
| Black | Fraise | Kreiman | Shull |
| Bolkcom | Gronstal | Lundby | Stewart |
| Connolly | Hatch | Quirmbach | Tinsman |
| Dearden | Holveck | Ragan | Warnstadt |
| Dotzler | Horn | Redfern | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Sievers |
| Behn | Houser | McKinley | Veenstra |
| Boettger | Iverson | Miller | Ward |
| Brunkhorst | Johnson | Putney | Wieck |
| Courtney | Kettering | Rehberg | Zieman |
| Drake | Lamberti | Schuerer | |
| Gaskill | McCoy | Seymour | |

Absent, 1:

Larson

Amendment S-5224 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. 2298), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 1:

Larson

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 2298** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:35 p.m. until 8:15 a.m., Wednesday, March 31, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Patrick Bockenstedt, Burlington—For receiving the University of Iowa 2004 Presidential Scholarship. Senator Courtney (3/30/04).

Matthew J. Even, Gilbertville—For achieving the rank of Eagle Scout. Senator Rehberg (4/4/04).

Michelle Fulkersen, Des Moines—For participating in Capitol Project 2004 Students Experiencing Government. Senator McCoy (3/30/04).

Coach Adolph Kochendorfer—For coaching the 2004 Iowa boy's basketball 2A runner-up champions. Senator Beall (3/17/04).

Alexandria Nielsen, Des Moines—For receiving the University of Iowa 2004 Presidential Scholarship. Senator McCoy (3/30/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighth grade students from Ruthven-Ayrshire Community Schools in Ruthven, accompanied by Jon Josephson. Senator Kibbie.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: March 30, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck.

Members Absent: Sievers (excused).

Committee Business: Passed SRs 138, 139, 141, 142, 143, and 144.

Adjourned: 8:45 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 145, by Hosch, a resolution recognizing Parents' Day.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 146, by Black and Iverson, a resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

SSB 3171 Ways and Means

Relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 142

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 143

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 144

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 145

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2301

HUMAN RESOURCES: Boettger, Chair; Holveck and Hosch

House File 2302

WAYS AND MEANS: McKibben, Chair; Putney and Stewart

House File 2544

WAYS AND MEANS: Stewart, Chair; Miller and Putney

House File 2552

WAYS AND MEANS: Putney, Chair; Hosch and Seng

House File 2553

WAYS AND MEANS: Connolly, Chair; Angelo and Rehberg

SSB 3171

WAYS AND MEANS: Wieck, Chair; McKibben and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 138, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 139, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 141, a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 142, a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

EXPLANATION OF VOTE

MR. PRESIDENT: I was necessarily absent from the Senate chamber on March 25, 2004, when the vote was taken on House File 2538. Had I been present, I would have voted "Yea."

PAUL MCKINLEY

REFERRAL TO INDIVIDUAL CONFIRMATION CALENDAR

MR. 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":

Toby Shine – Grow Iowa Values Board

ROBERT E. DVORSKY

AMENDMENTS FILED

| | | | |
|--------|------|------|----------------|
| S-5175 | H.F. | 2523 | David Johnson |
| S-5176 | S.F. | 2298 | John P. Kibbie |
| S-5177 | S.F. | 2298 | Jeff Angelo |
| S-5178 | H.F. | 2523 | David Johnson |
| S-5179 | H.F. | 2434 | John Putney |
| S-5180 | S.F. | 2298 | John P. Kibbie |
| | | | Mike Connolly |
| | | | Daryl Beall |

| | | | |
|--------|------|------|--|
| | | | Robert E. Dvorsky Jack Holveck William A. Dotzler, Jr. |
| S-5181 | S.F. | 2298 | John P. Kibbie Gene Fraise Daryl Beall Roger Stewart |
| S-5182 | S.F. | 2298 | Dennis H. Black Gene Fraise |
| S-5183 | S.F. | 2298 | Robert E. Dvorsky Herman C. Quirmbach William A. Dotzler, Jr. Joe Bolkcom Joe M. Seng Keith A. Kreiman Jack Holveck Amanda Ragan Daryl Beall Roger Stewart John P. Kibbie Mike Connolly |
| S-5184 | S.F. | 2298 | Gene Fraise |
| S-5185 | S.F. | 2298 | Steve Warnstadt Daryl Beall |
| S-5186 | S.F. | 2298 | Gene Fraise |
| S-5187 | H.F. | 2489 | Ron Wieck |
| S-5188 | S.F. | 2298 | William A. Dotzler, Jr. Jack Holveck Daryl Beall Thomas G. Courtney Roger Stewart Robert E. Dvorsky Mike Connolly Keith Kreiman Joe Bolkcom |
| S-5189 | S.F. | 2298 | Donald B. Redfern |
| S-5190 | S.F. | 2298 | Steve Warnstadt |
| S-5191 | S.F. | 2298 | Mike Connolly Jack Holveck |
| S-5192 | S.F. | 2298 | Michael E. Gronstal Mike Connolly |

| | | | |
|--------|------|------|-------------------------|
| | | | John P. Kibbie |
| | | | Robert E. Dvorsky |
| | | | Roger Stewart |
| | | | Jack Holveck |
| | | | Thomas G. Courtney |
| | | | Jack Hatch |
| | | | William A. Dotzler, Jr. |
| | | | Joe M. Seng |
| | | | Steve Warnstadt |
| | | | Keith A. Kreiman |
| | | | Herman C. Quirmbach |
| | | | Daryl Beall |
| | | | Wally E. Horn |
| | | | Dick L. Dearden |
| | | | Amanda Ragan |
| S-5193 | S.F. | 2298 | Matt W. McCoy |
| | | | Amanda Ragan |
| | | | Keith A. Kreiman |
| | | | Joe Bolkom |
| | | | Daryl Beall |
| | | | Jack Hatch |
| | | | Thomas G. Courtney |
| | | | Jack Holveck |
| | | | Gene Fraise |
| | | | Roger Stewart |
| | | | Robert E. Dvorsky |
| | | | Joe M. Seng |
| | | | William A. Dotzler, Jr. |
| | | | Mike Connolly |
| S-5194 | H.F. | 2187 | Mike Connolly |
| S-5195 | S.F. | 2298 | Matt W. McCoy |
| S-5196 | S.F. | 2298 | Mike Connolly |
| | | | Robert E. Dvorsky |
| | | | Jack Holveck |
| | | | William A. Dotzler, Jr. |
| | | | Joe M. Seng |
| | | | Joe Bolkom |
| | | | Herman C. Quirmbach |
| | | | Daryl Beall |
| | | | Roger Stewart |
| S-5197 | S.F. | 2298 | Keith A. Kreiman |

| | | | |
|--------|--------|------|--|
| S-5198 | H.F. | 2476 | Mark Ziemann |
| S-5199 | S.F. | 2298 | Ken Veenstra John P. Kibbie |
| S-5200 | S.F. | 2298 | Maggie Tinsman |
| S-5201 | S.F. | 2298 | Gene Fraise Daryl Beall |
| S-5202 | S.F. | 2298 | Matt W. McCoy |
| S-5203 | S.F. | 2298 | Maggie Tinsman |
| S-5204 | S.F. | 2298 | Steve Kettering |
| S-5205 | S.F. | 2298 | William A. Dotzler, Jr. Herman C. Quirnbach Matt W. McCoy Jack Holveck Joe M. Seng Robert E. Dvorsky Mike Connolly Wally E. Horn John P. Kibbie Jack Hatch Michael E. Gronstal Amanda Ragan Keith A. Kreiman Thomas G. Courtney Roger Stewart Daryl Beall |
| S-5206 | S.J.R. | 2010 | Michael E. Gronstal Keith A. Kreiman John P. Kibbie Gene Fraise |
| S-5207 | H.F. | 2187 | Mike Connolly |
| S-5208 | S.F. | 2298 | Maggie Tinsman |
| S-5209 | S.F. | 2298 | Jack Hatch |
| S-5210 | S.F. | 2298 | Keith A. Kreiman Joe Bolkom John P. Kibbie Michael E. Gronstal William A. Dotzler, Jr. Amanda Ragan Thomas G. Courtney Daryl Beall Roger Stewart |

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|--------|------|------|-------------------------|
| | | | Wally E. Horn |
| | | | Robert E. Dvorsky |
| | | | Joe M. Seng |
| | | | Jack Hatch |
| | | | Gene Fraise |
| | | | Mike Connolly |
| S-5211 | S.F. | 2298 | Michael E. Gronstal |
| | | | Gene Fraise |
| | | | John P. Kibbie |
| | | | Mike Connolly |
| | | | Robert E. Dvorsky |
| | | | Dick L. Dearden |
| | | | Jack Holveck |
| | | | Joe M. Seng |
| | | | Wally E. Horn |
| | | | Keith A. Kreiman |
| | | | Dennis H. Black |
| | | | Thomas G. Courtney |
| | | | Joe Bolkom |
| | | | Amanda Ragan |
| | | | Steve Warnstadt |
| | | | Daryl Beall |
| | | | William A. Dotzler, Jr. |
| | | | Matt W. McCoy |
| | | | Jack Hatch |
| | | | Roger Stewart |
| | | | Herman C. Quirnbach |
| S-5212 | S.F. | 2298 | Herman C. Quirnbach |
| | | | Michael E. Gronstal |
| | | | Gene Fraise |
| | | | John P. Kibbie |
| | | | Mike Connolly |
| | | | Robert E. Dvorsky |
| | | | Dick L. Dearden |
| | | | Jack Holveck |
| | | | Joe M. Seng |
| | | | Wally E. Horn |
| | | | Keith A. Kreiman |
| | | | Dennis H. Black |
| | | | Thomas G. Courtney |
| | | | Joe Bolkom |

| | | | |
|--------|------|------|-------------------------|
| | | | Amanda Ragan |
| | | | Steve Warnstadt |
| | | | Daryl Beall |
| | | | William A. Dotzler, Jr. |
| | | | Matt W. McCoy |
| | | | Jack Hatch |
| | | | Roger Stewart |
| S-5213 | S.F. | 2298 | Richard F. Drake |
| S-5214 | S.F. | 2149 | House |
| S-5215 | S.F. | 2173 | House |
| S-5216 | S.F. | 2298 | Paul McKinley |
| S-5217 | S.F. | 297 | House |
| S-5218 | S.F. | 2177 | House |
| S-5219 | S.F. | 2298 | Daryl Beall |
| | | | Steve Warnstadt |
| | | | Stewart E. Iverson, Jr. |
| S-5220 | S.F. | 2298 | Bob Brunkhorst |
| S-5221 | S.F. | 2298 | Maggie Tinsman |
| S-5222 | S.F. | 2298 | David Miller |
| | | | Bryan J. Sievers |
| S-5223 | S.F. | 2298 | Maggie Tinsman |
| S-5224 | S.F. | 2298 | Donald B. Redfern |
| S-5225 | H.F. | 2200 | Steve Kettering |
| S-5226 | H.F. | 2262 | David Johnson |

JOURNAL OF THE SENATE

EIGHTIETH CALENDAR DAY
FORTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, March 31, 2004

The Senate met in regular session at 8:20 a.m., President Pro Tempore Angelo presiding.

Prayer was offered by the Reverend Earl Menning (retired) of the Church of Christ in Des Moines, Iowa. He was the guest of Senator Hatch.

The Journal of Tuesday, March 30, 2004, was approved.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:31 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:32 a.m., President Pro Tempore Angelo presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 146, a resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 146.

Senate Resolution 146

On motion of Senator Iverson, **Senate Resolution 146**, a resolution expressing the State of Iowa's appreciation of its strong relations with the Republic of China on Taiwan, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 146, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Black welcomed to the Senate chamber the following visitors from the Republic of China, Taiwan:

Thomas T. S. Cheng, Director General, Taipei Economic and Cultural Office, Chicago

Han-Ching (Hank) Liu, Deputy Director, Taipei Economic and Cultural Office, Chicago

Dr. Huang, Director, Commercial Division, Taipei Economic and Cultural Office, Chicago

Cindy Chen, Assistant Director of Iowa Sister States Commission

MayMay Ng, CEO, Ck International, Ltd., Waukee, Iowa

Senator Boettger presented Director General Cheng gifts on behalf of the Iowa Senate and the International Relations Committee.

The Senate rose and expressed its welcome.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber Queen Jenni Van Wyk and representatives from Pella's Sixty-ninth Annual Tulip Time Festival.

Queen Van Wyk introduced the following members of her court: Alexis Baugh, Lindsay Graham, Meagan McCombs, and Katie Ozinga.

Queen Van Wyk presented President Pro Tempore Angelo a package of the famous Pella Dutch pastries and invited the Senate chamber to attend the Tulip Time Festival in Pella on May 6, 7, and 8, 2004.

The Queen, her attendants, and their parents distributed pastries to the senators and staff.

The Senate stood at ease at 8:55 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:26 a.m., President Lamberti presiding.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2194.

Senate File 2194

On motion of Senator Zieman, **Senate File 2194**, a bill for an act providing for the appropriation of moneys to support the testing and monitoring of avian influenza, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked unanimous consent that action on Senate File 2194 be deferred.

Senator Dvorsky withdrew his motion to defer.

Senator Zieman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2194), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2289.

Senate File 2289

On motion of Senator Miller, **Senate File 2289**, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer, was taken up for consideration.

Senator Miller offered amendment S-5106, filed by him on March 16, 2004, to page 4 of the bill, and moved its adoption.

Amendment S-5106 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?" (S.F. 2289), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 House File 2394.

House File 2394

On motion of Senator Rehberg, **House File 2394**, a bill for an act relating to driver education by a teaching parent, with report of committee recommending passage, was taken up for consideration.

Senator McKibben took the chair at 11:35 a.m.

Senator Dvorsky asked and received unanimous consent that action on **House File 2394** be **deferred**.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate Files 2194** and **2289** be **immediately messaged** to the House.

SPECIAL GUEST

Senator Connolly welcomed to the Senate chamber the Honorable John Walsh, former state senator from Dubuque.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolution 142.

Senate Resolution 142

On motion of Senator Boettger, **Senate Resolution 142**, a resolution urging the federal government to establish a National Center for Rural and Agricultural Behavioral Health in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 142, which motion prevailed by a voice vote.

CONSIDERATION OF BILL
(Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2267.

Senate File 2267

On motion of Senator Johnson, **Senate File 2267**, a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

Senator Johnson offered amendment S-5149, filed by him on March 25, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5149 was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that **House File 2523** be **substituted** for **Senate File 2267**.

House File 2523

On motion of Senator Johnson, **House File 2523**, a bill for an act providing for the regulation of air quality, and making penalties applicable, was taken up for consideration.

(Action on House File 2523 was deferred.)

The Senate stood at ease at 11:46 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:01 p.m., Senator Boettger presiding.

QUORUM CALL

Senator Connolly requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent, and a quorum present.

BUSINESS PENDING

House File 2523

The Senate resumed consideration of **House File 2523**, a bill for an act providing for the regulation of air quality, and making penalties applicable, previously deferred.

Senator Johnson offered amendment S-5227, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5227 was adopted by a voice vote.

Senator Johnson withdrew amendment S-5175, filed by him on March 30, 2004, to page 1 of the bill.

Senator Johnson offered amendment S-5232, filed by Senator Johnson, et al., from the floor to pages 1-8 and 10 of the bill.

Senator Bolckom asked and received unanimous consent that action on amendment S-5232 be deferred.

Senator Johnson offered amendment S-5178, filed by him on March 30, 2004, to page 7 of the bill, and moved its adoption.

Amendment S-5178 was adopted by a voice vote.

(Action on House File 2523 was deferred. Amendment S-5232 pending.)

The Senate stood at ease at 12:15 p.m. until the fall of the gavel.

The Senate resumed session at 12:24 p.m., Senator Boettger presiding.

QUORUM CALL

Senator Schuerer requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 26 present, 24 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Drake, until he returns, on request of Senator Iverson.

HOUSE AMENDMENT CONSIDERED

Senate File 2173

Senator Schuerer called up for consideration **Senate File 2173**, a bill for an act concerning private sector employee drug testing

relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date, amended by the House in House amendment S-5215, filed March 30, 2004.

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. 2173), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | McCoy | Shull |
| Black | Hatch | McKibben | Sievers |
| Boettger | Holveck | McKinley | Stewart |
| Bolkcom | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, 1:

Lundby

Absent, 2:

Drake

Larson

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 Zieman, until he returns, on request of Senator Schuerer.

UNFINISHED BUSINESS
(Deferred March 30, 2004)

House File 2187

The Senate resumed consideration of **House File 2187**, a bill for an act providing for the elimination of an examination requirement as a prerequisite for being designated a registered dental assistant, deferred March 30, 2004.

Senator Connolly offered amendment S-5207, filed by him on March 30, 2004, striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5207 be adopted?" (H.F. 2187), the vote was:

Yeas, 14:

| | | | |
|----------|----------|-----------|---------|
| Beall | Dotzler | Horn | Seng |
| Bolkcom | Dvorsky | Kibbie | Stewart |
| Connolly | Gronstal | McCoy | |
| Courtney | Holveck | Quirmbach | |

Nays, 35:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Hatch | McKibben | Shull |
| Behn | Hosch | McKinley | Sievers |
| Black | Houser | Miller | Tinsman |
| Boettger | Iverson | Putney | Veenstra |
| Brunkhorst | Johnson | Ragan | Ward |
| Dearden | Kettering | Redfern | Warnstadt |
| Drake | Kreiman | Rehberg | Wieck |
| Fraise | Lamberti | Schuerer | Zieman |
| Gaskill | Lundby | Seymour | |

Absent, 1:

Larson

Amendment S-5207 lost.

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?" (H.F. 2187), the vote was:

Yeas, 42:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Gronstal | Lundby | Seymour |
| Behn | Hatch | McCoy | Shull |
| Black | Horn | McKibben | Sievers |
| Boettger | Hosch | McKinley | Stewart |
| Bolkcom | Houser | Miller | Tinsman |
| Brunkhorst | Iverson | Putney | Veenstra |
| Courtney | Johnson | Ragan | Ward |
| Dearden | Kettering | Redfern | Warnstadt |
| Drake | Kibbie | Rehberg | Wieck |
| Fraise | Kreiman | Schuerer | |
| Gaskill | Lamberti | Seng | |

Nays, 6:

| | | |
|----------|---------|-----------|
| Beall | Dotzler | Holveck |
| Connolly | Dvorsky | Quirnbach |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 2516 and 2208.

House File 2516

On motion of Senator Gaskill, **House File 2516**, a bill for an act relating to the performance of a notarial act by a chief officer when certifying a uniform citation and complaint under oath, and providing

an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2516), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2208

On motion of Senator Brunkhorst, **House File 2208**, a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2208), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirmbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson 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 File 2173** and **House Files 2187, 2208, and 2516** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2523

The Senate resumed consideration of **House File 2523**, a bill for an act providing for the regulation of air quality, and making penalties applicable, and amendment S-5232, previously deferred.

Senator Johnson moved the adoption of amendment S-5232, which motion prevailed 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?" (H.F. 2523), the vote was:

Yeas, 34:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Gronstal | McKibben | Shull |
| Behn | Horn | McKinley | Sievers |
| Black | Hosch | Miller | Stewart |
| Boettger | Houser | Putney | Tinsman |
| Brunkhorst | Iverson | Redfern | Veenstra |
| Courtney | Johnson | Rehberg | Ward |
| Drake | Kettering | Schuerer | Wieck |
| Fraise | Lamberti | Seng | |
| Gaskill | McCoy | Seymour | |

Nays, 14:

| | | | |
|----------|---------|-----------|-----------|
| Beall | Dotzler | Kibbie | Ragan |
| Bolkcom | Dvorsky | Kreiman | Warnstadt |
| Connolly | Hatch | Lundby | |
| Dearden | Holveck | Quirnbach | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Johnson asked and received unanimous consent that **Senate File 2267** be **withdrawn** from further consideration of the Senate.

President Lamberti took the chair at 1:48 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate File 2296.

Senate File 2296

On motion of Senator McKinley, **Senate File 2296**, a bill for an act relating to the policy administration of the tax and related laws

by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties, was taken up for consideration.

Senator Quirnbach offered amendment S-5173, filed by him on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5173 was adopted by a voice vote.

Senator McKinley offered amendment S-5230, filed by him from the floor to pages 9, 10, and 23 of the bill, and moved its adoption.

Amendment S-5230 was adopted by a voice vote.

Senator Warnstadt offered amendment S-5233, filed by him from the floor to page 13 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 21, nays 26.

Amendment S-5233 lost.

Senator Quirnbach offered amendment S-5170, filed by him on March 29, 2004, to page 27 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 17, nays 27.

Amendment S-5170 lost.

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. 2296), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Cannolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson 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 File 2296** and **House File 2523** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:22 p.m. until 4:00 p.m.

APPENDIX — 1**CERTIFICATES OF RECOGNITION**

The Secretary of the Senate issued the following certificates of recognition:

Dobson Pipe Organ Builders Ltd., Lake City—For celebrating your 30th anniversary. Senator Beall (3/28/04).

Eileen Hitchcock, Waterloo—For celebrating your 90th birthday on March 30, 2004. Senator Dotzler (3/30/04).

Walter Holtzman, Waterloo—For celebrating your 95th birthday on March 30, 2004. Senator Dotzler (3/30/04).

John H. Jacobsen, Waterloo—For celebrating your 100th birthday on March 30, 2004. Senator Dotzler (3/30/04).

Cory Kleinheksel, Wilton—For receiving the University of Iowa Dean's Scholarship. Senator Drake (3/31/04).

Reas Linder, Rockwell City-Lytton High School—For being named to the Iowa Basketball Coaches Association academic all-state boys' basketball team. Senator Beall (3/25/04).

Cari Monroe, Rockwell City-Lytton High School—For being named to the Iowa Basketball Coaches Association academic all-state girls' basketball team. Senator Beall (3/25/04).

Nick Sandvig, Saint Edmond High School, Fort Dodge—For earning a spot on the Iowa Newspaper Association's all-state basketball first team. Senator Beall (3/25/04).

Joshua Simpson, Albia—For receiving the University of Iowa Dean's Scholarship. Senator McKinley (3/31/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Eighty-four twelfth grade students from Davis County High School in Bloomfield, accompanied by their teachers, Ed Good and Jeff Graves. Senator Kreiman.

Eleventh grade students J. P. Pape, Stacy Donath, and Nicole Hefel from Dubuque Senior High in Dubuque, accompanied by Amber Leyton, anti-tobacco coordinator, and Tischa Busch, senior high guidance counselor. Senator Connolly.

United Methodist Church Women from First United Methodist Church in Cedar Falls, accompanied by group leaders Diane Sneed and Donna Hoffman. Senator Redfern.

Former Senator William P. Winkelman and his family. Senator Beall.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: March 31, 2004, 8:35 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SR 146.

Adjourned: 8:40 a.m.

WAYS AND MEANS

Convened: March 31, 2004, 2:30 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Angelo (excused).

Committee Business: Passed HF's 2544, 2552, and 2553, and approved SSB 3171.

Adjourned: 3:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 147, by McKibben, a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 146

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2551

WAYS AND MEANS: Seng, Chair; Hosch and Rehberg

FINAL COMMITTEE REPORTS OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2544, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 2552, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5238.

Final Vote: Ayes, 16: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on House File 2552, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2553, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Bolcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 4:44 p.m., Senator McKibben presiding.

QUORUM CALL

Senator Iverson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 34 present, 16 absent, and a quorum present.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointees on the En Bloc Confirmation Calendar:

Susan Loy, Accountancy Examining Board
Wesley Stille, Accountancy Examining Board

Beverly Allen, Commission on the Status of African-Americans
Thomas Simmons, Commission on the Status of African-Americans

Cheryl Adam, Agricultural Development Authority
Evelyn Rank, Agricultural Development Authority
Jayme Unga, Agricultural Development Authority

Carolyn Cavitt, Alcoholic Beverages Commission

Dale McKinney, Architectural Examining Board
Susan McKinney, Architectural Examining Board

Edward Crowley, Board of Athletic Training Examiners

Stuart Preston, Board of Barber Examiners

Linda Nebbe, Board of Behavioral Science Examiners

Douglas Elliott, Commission for the Blind

Burt Chojnowski, Iowa Capital Investment Board

Dennis Plautz, City Development Board

Lois Eichacker, Commission on Community Action Agencies
Bob Knowler, Commission on Community Action Agencies
Catherine Whitfield, Commission on Community Action Agencies

Becky Brockmann, Board of Cosmetology Arts and Sciences Examiners
Jack Morlan, Board of Cosmetology Arts and Sciences Examiners

Becky Hansen, Credit Union Review Board

Tina Lynch, Commission on the Deaf

Deena Kuempel, Board of Dental Examiners
Richard Reay, Board of Dental Examiners
Peter Vidal, Board of Dental Examiners

Jean Anderson, Board of Dietetic Examiners

Douglas Book, Iowa Drug Policy Advisory Council

Linda Bloodsworth, Iowa Economic Development Board
Julie Carlson, Iowa Economic Development Board
Jerry Courtney, Iowa Economic Development Board

Chris Harshbarger, Economic Development Marketing Board

Rosemarie Hussey, State Board of Education

Kathleen Buckwalter, Commission of Elder Affairs
Hazel Chuck, Commission of Elder Affairs
Craig Downing, Commission of Elder Affairs

Susan Lagneaux, Iowa Emergency Response Commission

John Peno, Employment Appeal Board

Scott Beall, Iowa Empowerment Board
Christopher Carman, Iowa Empowerment Board
Sally Hartley, Iowa Empowerment Board
Douglas Peters, Iowa Empowerment Board

Patricia Heagel, Engineering and Land Surveying Examining Board
Dennis Osipowicz, Engineering and Land Surveying Examining Board

John Walsh, Iowa Ethics and Campaign Disclosure Board

Michael Tramontina, Executive Director of the Iowa Finance Authority

Edwin Hershberger, Iowa Grain Indemnity Fund Board
Thomas Kaldenberg, Iowa Grain Indemnity Fund Board

Gerald Kirke, Grow Iowa Values Board

John Baker, Healthy and Well Kids in Iowa (HAWK-I) Board

Gregory Hoyman, Board for the Licensing and Regulation of Hearing Aid
Dispensers

Gregory Moore, Board for the Licensing and Regulation of Hearing Aid
Dispensers

Mary Elizabeth Brandsgard, Information Technology Council
Timothy Lapointe, Information Technology Council

Sheila Castaneda, IowaAccess Advisory Council
Richard Neri, IowaAccess Advisory Council
Herbert Strentz, IowaAccess Advisory Council

Phyllis Peterson, Investment Board of the IPERS

Jon Crose, Landscape Architectural Examining Board

Niki Dean, Iowa Law Enforcement Academy Council

Robert Snodgrass, Loan and Credit Guarantee Advisory Board

Blaine Houmes, Board of Medical Examiners
Yasyn Lee, Board of Medical Examiners
Paul Thurlow, Board of Medical Examiners

Russell Finken, Mental Health and Developmental Disabilities
Commission

Jon Grate, Mental Health and Developmental Disabilities Commission
Lori Reynolds, Mental Health and Developmental Disabilities Commission
Carl Smith, Mental Health and Developmental Disabilities Commission

Judy Clark, Mental Health Risk Pool Board

Eugene Siegert, Board of Mortuary Science Examiners

Clyde Bradley, Board of Nursing Examiners
Jane Hasek, Board of Nursing Examiners
William Miller, Board of Nursing Examiners

Margaret Beaty, State Board of Examiners for Nursing Home Administrators

Connie Connolly, Board of Optometry Examiners
Christopher Olson, Board of Optometry Examiners

Richard Bordwell, Board of Parole

Kathleen Halloran, Board of Pharmacy Examiners
Michael Seifert, Board of Pharmacy Examiners

Kurt Walderbach, Board of Physical and Occupational Therapy Examiners

Edward Friedmann, Board of Physician Assistant Examiners
Fred Strickland, Board of Physician Assistant Examiners

Eric Jensen, Board of Podiatry Examiners
Jill Scholz, Board of Podiatry Examiners
Matthew Wilber, Board of Podiatry Examiners

Claibourne Dungy, Prevention of Disabilities Policy Council
Scott Lindgren, Prevention of Disabilities Policy Council

Francisco Barrios, Board of Psychology Examiners

Neil Barrick, Public Employment Relations Board
M. Sue Warner, Public Employment Relations Board

Michael Mahaffey, State Racing and Gaming Commission

Jonathon Muller, Iowa Railway Finance Authority

Richard DeHeer, Real Estate Appraiser Examining Board
Richard Koestner, Real Estate Appraiser Examining Board

Kerry George, State Board for Respiratory Care

Clark Yeager, School Budget Review Committee

James Davis, Small Business Advisory Council
Elizabeth Garst, Small Business Advisory Council
Kimberly Kudrna, Small Business Advisory Council
Timothy Neugent, Small Business Advisory Council

Ken Zimmerman, Board of Social Work Examiners

Jody Kerns, State Soil Conservation Committee

Jason Aird, Board of Speech Pathology and Audiology Examiners
Coral Jud, Board of Speech Pathology and Audiology Examiners

Pamela Duffy, Iowa Telecommunications and Technology Commission

Catherine Hult, Title Guaranty Division Board

Sharon Wellendorf, Commission on Tobacco Use Prevention and Control

Mark Wandro, Director of the Iowa Department of Transportation

Suzan Boden, State Transportation Commission
Barbara Mac Gregor, State Transportation Commission

Arthur Dayton, Commission of Veterans Affairs
Darlene McMartin, Commission of Veterans Affairs

Earl Goerdt, Iowa Board of Veterinary Medicine

Lorna Burnside, Vision Iowa Board
Cathy Reece, Vision Iowa Board

Angelica Cardenas-Chaisson, Commission on the Status of Women
Francis Giunta, Commission on the Status of Women
Kimberly Painter, Commission on the Status of Women
Michael Whitlatch, Commission on the Status of Women

Richard Running, Director of the Iowa Department of Workforce
Development

Rosa Bailey, Iowa Workforce Development Board
Jean Logan, Iowa Workforce Development Board

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 48:

| | | | |
|----------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |

| | | | |
|------------|-----------|-----------|-----------|
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

The Senate stood at ease at 4:51 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 5:12 p.m., President Pro Tempore Angelo presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2217, a bill for an act relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

Senate File 2224, a bill for an act relating to grain regulation.

ALSO: That the House has on March 31, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board. (S-5239)

Senate File 2234, a bill for an act relating to child custody and visitation provisions. (S-5235)

Senate File 2246, a bill for an act requiring the board of directors of a school district to adopt a student promotion policy to support student reading at grade level, providing for related matters, and providing an effective date and for the Act's applicability. (S-5237)

Senate File 2282, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date. (S-5236)

ALSO: That the House has on March 31, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2541, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

BUSINESS PENDING

House File 2394

The Senate resumed consideration of **House File 2394**, a bill for an act relating to driver education by a teaching parent, previously deferred.

Senator Dvorsky offered amendment S-5234, filed by him from the floor to pages 1-3 and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5234 be adopted?" (H.F. 2394), the vote was:

Yeas, 15:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Hatch | Quirmbach |
| Black | Dvorsky | Holveck | Ragan |
| Courtney | Fraise | Horn | Warnstadt |
| Dearden | Gronstal | McCoy | |

Nays, 33:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Stewart |
| Boettger | Johnson | Putney | Tinsman |
| Bolkcom | Kettering | Redfern | Veenstra |
| Brunkhorst | Kibbie | Rehberg | Ward |
| Connolly | Kreiman | Schuerer | Wieck |
| Drake | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

Amendment S-5234 lost.

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. 2394), the vote was:

Yeas, 36:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Gronstal | Lamberti | Schuerer |
| Behn | Horn | Lundby | Seng |
| Black | Hosch | McCoy | Seymour |
| Boettger | Houser | McKibben | Shull |
| Bolkcom | Iverson | McKinley | Sievers |
| Brunkhorst | Johnson | Miller | Veenstra |
| Drake | Kettering | Putney | Ward |
| Fraise | Kibbie | Redfern | Warnstadt |
| Gaskill | Kreiman | Rehberg | Wieck |

Nays, 12:

| | | | |
|----------|---------|-----------|---------|
| Beall | Dearden | Hatch | Ragan |
| Connolly | Dotzler | Holveck | Stewart |
| Courtney | Dvorsky | Quirmbach | Tinsman |

Absent, 2:

Larson Zieman

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 2145 and 2225.

House File 2145

On motion of Senator Miller, **House File 2145**, a bill for an act relating to membership on certain city planning and zoning commissions, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2145), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wick |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2225

On motion of Senator Houser, **House File 2225**, a bill for an act relating to the establishment of drainage and levee districts, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2225), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Lamberti 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 House File 2515.

House File 2515

On motion of Senator Angelo, **House File 2515**, a bill for an act relating to the keeping of farm deer, with report of committee recommending passage, was taken up for consideration.

Senator Fraise offered amendment S-5165, filed by Senators Fraise and Angelo on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5165 was adopted by a voice vote.

Senator Angelo moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2515), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seng |
| Beall | Gaskill | Lundby | Seymour |
| Behn | Gronstal | McCoy | Shull |
| Black | Hatch | McKibben | Sievers |
| Boettger | Horn | McKinley | Stewart |
| Bolkcom | Hosch | Miller | Tinsman |
| Brunkhorst | Houser | Putney | Veenstra |
| Connolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | |
| Dvorsky | Kreiman | Schuerer | |

Nays, 2:

| | |
|---------|---------|
| Dearden | Holveck |
|---------|---------|

Absent, 2:

| | |
|--------|--------|
| Larson | 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 **House Files 2145, 2225, 2394, and 2515** 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 2533, 2315, and 2319.

House File 2533

On motion of Senator Boettger, **House File 2533**, a bill for an act relating to protective orders and court-approved consent agreements under the domestic abuse Act, 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. 2533), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2315

On motion of Senator Gaskill, **House File 2315**, a bill for an act relating to agricultural conservation practices, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2315), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Cannolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2319

On motion of Senator Sievers, **House File 2319**, a bill for an act relating to the operation, reporting, and dissolution of committees, reporting requirements for special and other elections, the placement of attribution statements in political materials, and the size and placement of political signs, with report of committee recommending passage, was taken up for consideration.

Senator Sievers moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2319), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | 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 **House Files 2315, 2319, and 2533** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 31, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2044, a bill for an act concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

ALSO: That the House has on March 31, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2150, a bill for an act establishing a child endangerment offense for permitting the presence of a child or minor at a location where a controlled substance manufacturing or product possession violation occurs and providing a penalty.

House File 2340, a bill for an act relating to the temporary absence of an elected local government official on active military duty and the appointment of a temporary replacement and providing an effective date.

House File 2399, a bill for an act allowing a modified criminal penalty for certain thefts from different locations within a thirty-day period.

House File 2476, a bill for an act regulating transmissible viruses afflicting poultry, making an appropriation, and providing penalties.

House File 2497, a bill for an act providing for a sick leave and vacation incentive program for state employees and providing an effective date.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:07 p.m. until 8:30 a.m., Thursday, April 1, 2004.

APPENDIX — 2

INTRODUCTION OF BILL

Senate File 2302, by committee on Ways and Means, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 147

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: SENATE FILE 2302 (SSB 3171), a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 1: Quirnbach. Absent, 1: Angelo.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on March 31, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2188 – Providing for the establishment of a commission on the status of Iowans of Asian and Pacific Islander heritage within the department of human rights.

GOVERNOR'S VETO MESSAGE

March 31, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

Senate File 2230 is a bill which seeks to improve the marketability of contaminated property. The thought behind the bill is that in many instances there is a better chance of contaminated land being cleaned up and put to a higher purpose if the land could be more easily sold to a new owner, and therefore we should take steps to improve the marketability of contaminated property. The aim of cleaning up contaminated property and putting the land to a higher use clearly merits consideration.

The bill's proponents contend that lenders currently are reluctant to foreclose on contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by their borrowers. Likewise, the bill's proponents contend that buyers will not purchase contaminated property if they perceive that there is even the slightest chance that they could be held liable for environmental contamination caused by the previous owner.

The bill's proponents would, therefore, improve the marketability of contaminated property by immunizing lenders and buyers, *who satisfy all of the conditions set forth in bill*, from any conceivable "liability or obligation arising out of or resulting from contamination of property by a hazardous substance, hazardous waste, or a regulated substance, including without limitation, claims for illness, personal injury, death" and other claims including property damage.

The "conditions" that are set forth in the bill are an attempt to ensure that the immunity provisions only benefit lenders and buyers who had no part in causing the property to be contaminated—in other words, to only immunize those that lack any responsibility for causing any property damage, personal injury or death that arises out of the contamination.

I am concerned that the "conditions" set forth in the bill do not go far enough to adequately ensure that this bill only immunizes those buyers who truly lack any responsibility for causing property damage, personal injury or death that arises out of contaminated property. I do not want to sign a bill into law that would immunize from any accountability those who bear some or all responsibility for causing injury or death.

A buyer of land who had nothing to do with causing the property to become environmentally contaminated, could nonetheless be fully and knowingly responsible for causing completely innocent Iowans to become exposed to and injured or killed by the contaminants that already existed on the land at the time of purchase.

For instance, under this bill an out-of-state childcare center developer who did not cause any contamination, could nonetheless knowingly buy contaminated property at a bargain price, make no attempt to clean up the contaminants, conceal any knowledge of the contamination, and then encourage unknowing Iowans to send their children to this childcare center where they would be continually exposed to high levels of known carcinogens—and yet the developer would be completely immune from any accountability to the families of those innocent Iowa children who fall ill or die.

The childcare center developer did not cause the contamination, but was responsible for the injuries. This is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability—nonetheless the language of this bill would allow it to happen.

Similarly, a buyer who did not cause the contamination, could nonetheless be completely responsible for causing an injury or death by making a conscious decision to place employees or others in harm's way in order to save a few dollars by removing the existing safety measures which were installed by the previous owner to protect innocent Iowans from any harm arising out of the contamination. Again, this is not the type of conduct that anyone, including the supporters of this bill, wish to immunize from accountability—nonetheless the language of this bill would allow it to happen.

I am also concerned that under the language of this bill, the lenders and buyers would also be immunized from any accountability in regard to any property damage to state lands.

For the above reasons, I hereby respectfully disapprove Senate File 2230. However, I stand ready to work with legislators to establish protections yet improve the marketability of contaminated property.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5227 | H.F. | 2523 | David Johnson |
| S-5228 | H.F. | 2393 | Bob Brunkhorst Dennis H. Black |
| S-5229 | S.F. | 2295 | Bryan J. Sievers Matt W. McCoy |
| S-5230 | S.F. | 2296 | Paul McKinley |
| S-5231 | H.F. | 2473 | Hubert M. Houser |
| S-5232 | H.F. | 2523 | David Johnson Gene Fraise John P. Kibbie Michael E. Gronstal |
| S-5233 | S.F. | 2296 | Steve Warnstadt |
| S-5234 | H.F. | 2394 | Robert E. Dvorsky |

| | | | |
|--------|------|------|--|
| S-5235 | S.F. | 2234 | House |
| S-5236 | S.F. | 2282 | House |
| S-5237 | S.F. | 2246 | House |
| S-5238 | H.F. | 2552 | Ways and Means |
| S-5239 | S.F. | 2179 | House |
| S-5240 | H.F. | 2447 | Neal Schuerer William A. Dotzler, Jr. Bob Brunkhorst |

JOURNAL OF THE SENATE

EIGHTY-FIRST CALENDAR DAY
FORTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 1, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Vince Homan, pastor of the What Cheer United Methodist Church in What Cheer, Iowa. He was the guest of Senator Schuerer.

The Journal of Wednesday, March 31, 2004, was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Zieman, for the day, on request of Senator Iverson.

The Senate stood at ease at 8:43 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:43 a.m., President Pro Tempore Angelo presiding.

CONSIDERATION OF BILL (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 2396.

House File 2396

On motion of Senator Tinsman, **House File 2396**, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 2396** be **deferred**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate File 2295.

Senate File 2295

On motion of Senator Sievers, **Senate File 2295**, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, was taken up for consideration.

The Senate stood at ease at 9:47 a.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 10:20 a.m., President Pro Tempore Angelo presiding.

Senator Sievers asked and received unanimous consent that action on **Senate File 2295** be **deferred**.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Boettger called up the appointment of Jenny Rokes, as a member of the State Board of Regents, placed on the Individual Confirmation Calendar on February 17, 2004, and found on page 247 of the Senate Journal.

Senator Redfern moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirmbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2366, 2327, and 2401.

House File 2366

On motion of Senator Dearden, **House File 2366**, a bill for an act relating to the use of blaze orange apparel by hunters and subjecting violators to a penalty, with report of committee recommending passage, was taken up for consideration.

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. 2366), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirmbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2327

On motion of Senator Seymour, **House File 2327**, a bill for an act relating to child abuse assessment requirements involving notification of parents, interviews of persons alleged to have committed child abuse, and training of child protection workers, with report of committee recommending passage, was taken up for consideration.

Senator Seymour moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2327), the vote was:

Yeas, 48:

| | | | |
|--------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |

| | | | |
|------------|-----------|-----------|-----------|
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2401

On motion of Senator Johnson, **House File 2401**, a bill for an act relating to the comprehensive petroleum underground storage tank fund and providing an effective date, with report of committee recommending passage, 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?" (H.F. 2401), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson

Zieman

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 2327, 2366, and 2401** be **immediately messaged** to the House.

SPECIAL GUEST

Senator Horn welcomed to the Senate chamber the Honorable Norman Rodgers, former member of the Senate from Dallas County.

The Senate rose and expressed its welcome.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2530, 2432, and 2393.

House File 2530

On motion of Senator Holveck, **House File 2530**, a bill for an act relating to the assessment of surcharges in criminal proceedings, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **House File 2530** be **deferred**.

House File 2432

On motion of Senator Dearden, **House File 2432**, a bill for an act relating to the issuance of free deer and wild turkey hunting licenses to certain landowners and other persons, with report of committee recommending passage, was taken up for consideration.

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. 2432), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2393

On motion of Senator Black, **House File 2393**, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Brunkhorst offered amendment S-5124, filed by the committee on Natural Resources and Environment on March 23, 2004, to page 1 of the bill.

Senator Brunkhorst asked and received unanimous consent that action on amendment S-5124 be deferred.

Senator Brunkhorst offered amendment S-5228, filed by Senators Brunkhorst and Black on March 31, 2004, to page 1 of the bill.

Senator Lundby asked and received unanimous consent that action on amendment S-5228 and **House File 2393** be **deferred** (amendment S-5124 pending).

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 2432** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2419, 2462, and 2441.

House File 2419

On motion of Senator Connolly, **House File 2419**, a bill for an act relating to the number of signatures required on nomination petitions for school board elections, 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. 2419), the vote was:

Yeas, 48:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |

| | | | |
|---------|-----------|---------|-----------|
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2462

On motion of Senator McKinley, **House File 2462**, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, with report of committee recommending passage, was taken up for consideration.

Senator McKinley asked and received unanimous consent that action on **House File 2462** be **deferred**.

House File 2441

On motion of Senator Holveck, **House File 2441**, a bill for an act relating to the statutory duties of the commission of Latino affairs regarding Spanish language interpreter qualifications, 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. 2441), the vote was:

Yeas, 48:

| | | | |
|------------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |

| | | | |
|----------|-----------|-----------|-----------|
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 2419** and **2441** be **immediately messaged** to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2471, 2517, and 2484.

House File 2471

On motion of Senator Miller, **House File 2471**, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman asked and received unanimous consent that action on **House File 2471** be **deferred**.

House File 2517

On motion of Senator Black, **House File 2517**, a bill for an act relating to environmental regulations administered by the department of natural resources regarding the use of recycled oil and

the calculation of waste volume reduction measures, 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. 2517), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2484

On motion of Senator Wieck, **House File 2484**, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders, with report of committee recommending passage, was taken up for consideration.

Senator Wieck asked and received unanimous consent that action on **House File 2484** be **deferred**.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **House File 2517** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Gronstal, until he returns, on request of Senator Kibbie.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2475 and 2527.

House File 2475

On motion of Senator Seng, **House File 2475**, a bill for an act relating to persons doing business as swine dealers and persons engaged in the business of buying or selling feeder pigs and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2475), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Hatch | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | |

Nays, none.

Absent, 3:

Gronstal Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2527

On motion of Senator Hatch, **House File 2527**, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5164, filed by him on March 29, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5164 was adopted by a voice vote.

Senator Hatch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2527), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

Senate File 2295

The Senate resumed consideration of **Senate File 2295**, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, previously deferred.

Senator Connolly offered amendment S-5245, filed by him from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5245 be adopted?" (S.F. 2295), the vote was:

Yeas, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | McCoy |
| Black | Dotzler | Holveck | Quirmbach |
| Bolkcom | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | Warnstadt |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Seymour |
| Behn | Iverson | Miller | Shull |
| Boettger | Johnson | Putney | Sievers |
| Brunkhorst | Kettering | Redfern | Tinsman |
| Drake | Lamberti | Rehberg | Veenstra |
| Gaskill | Lundby | Schuerer | Ward |
| Hosch | McKibben | Seng | Wieck |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

Amendment S-5245 lost.

Senator Sievers offered amendment S-5229, filed by Senators Sievers and McCoy on March 31, 2004, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5229 was adopted by a voice vote.

Senator Sievers moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2295), the vote was:

Yeas, 33:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Hosch | McKinley | Sievers |
| Beall | Iverson | Miller | Stewart |
| Behn | Johnson | Putney | Veenstra |
| Boettger | Kettering | Redfern | Ward |
| Brunkhorst | Kibbie | Rehberg | Warnstadt |
| Connolly | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seng | |
| Fraise | McCoy | Seymour | |
| Gaskill | McKibben | Shull | |

Nays, 15:

| | | | |
|----------|----------|---------|-----------|
| Black | Dotzler | Holveck | Quirnbach |
| Bolkcom | Dvorsky | Horn | Ragan |
| Courtney | Gronstal | Houser | Tinsman |
| Dearden | Hatch | Kreiman | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 House File 2193.

House File 2193

On motion of Senator Ward, **House File 2193**, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure, with report of committee recommending passage, was taken up for consideration.

Senator Ward offered amendment S-5246, filed by her from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5246 was adopted by a voice vote.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2193), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 House File 2392.

House File 2392

On motion of Senator Johnson, **House File 2392**, a bill for an act relating to controlled burns of demolished buildings conducted by certain cities, with report of committee recommending passage, 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?" (H.F. 2392), the vote was:

Yeas, 36:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Horn | Lundby | Seng |
| Beall | Hosch | McKibben | Seymour |
| Behn | Houser | McKinley | Shull |
| Boettger | Iverson | Miller | Sievers |
| Brunkhorst | Johnson | Putney | Stewart |
| Dearden | Kettering | Ragan | Tinsman |
| Drake | Kibbie | Redfern | Veenstra |
| Fraise | Kreiman | Rehberg | Ward |
| Gaskill | Lamberti | Schuerer | Wieck |

Nays, 12:

| | | | |
|----------|----------|----------|-----------|
| Black | Courtney | Gronstal | McCoy |
| Bolkcom | Dotzler | Hatch | Quirnbach |
| Connolly | Dvorsky | Holveck | Warnstadt |

Absent, 2:

| | |
|--------|--------|
| Larson | 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 File 2295** and **House Files 2193, 2392, 2475, and 2527** 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.2078/att. HF 2262 | H.F. 2231 | H.F. 2447 |
| S.F. 2102 | H.F. 2259 | H.F. 2451 |
| S.F. 2155 | H.F. 2328 | H.F. 2467 |
| S.F. 2236 | H.F. 2352 | H.F. 2468 |
| S.F. 2248 | H.F. 2357 | H.F. 2473 |
| S.F. 2251 | H.F. 2378 | H.F. 2480 |
| S.F. 2262 | H.F. 2390 | H.F. 2481 |
| S.F. 2263 | H.F. 2395 | H.F. 2486 |
| S.F. 2277 | H.F. 2398 | H.F. 2489 |
| H.F. 22 | H.F. 2402 | H.F. 2505 |
| H.F. 265 | H.F. 2418 | H.F. 2518 |
| H.F. 561 | H.F. 2433 | H.F. 2521 |
| H.F. 2200 | H.F. 2434 | H.F. 2528 |

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:51 p.m. until 10:00 a.m., Monday, April 5, 2004.

APPENDIX

APPOINTMENT

The following appointee was submitted to the Secretary of the Senate for Senate confirmation (appointee submitted as **member** unless otherwise specified):

BY THE GOVERNOR

TERM

IOWA EMPOWERMENT BOARD FACILITATOR (Sec. 28.3(6)(b))

Shanell K. Wagler, Panora

02/02/2004 – Pleasure of the Governor

The appointment was referred to the committee on **Rules and Administration**.

REPORT OF THE COMMITTEE ON RULES AND ADMINISTRATION

The committee on Rules and Administration referred the following Governor's appointment to state board to a Senate standing committee, as indicated for investigation on April 1, 2004:

HUMAN RESOURCES

Shanell K. Wagler – Iowa Empowerment Board Facilitator

APPOINTMENT TO BOARD

In accordance with Senate Rule 59, the following senators were appointed to a subcommittee of the standing committee on April 1, 2004, to investigate the appointment of the following appointee:

HUMAN RESOURCES

As Iowa Empowerment Board Facilitator:

SHANELL K. WAGLER – Veenstra, Chair; Boettger and Ragan

GOVERNOR'S APPOINTEE PLACED ON EN BLOC CALENDAR

The following appointee, assigned to the standing committee for investigation, was placed on the En Bloc Calendar with recommendation for confirmation:

HUMAN RESOURCES

Shanell K. Wagler – Iowa Empowerment Board Facilitator

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Andrew Dehner, Wheatland—For receiving the University of Iowa Presidential Scholarship. Senator Sievers (4/5/04).

Stacia Johns, Williamsburg—For participating in the Capitol Project '04 “Students Experiencing Government.” Senator Schuerer (3/31/04).

Laura Meade, Williamsburg—For participating in the Capitol Project '04 “Students Experiencing Government.” Senator Schuerer (3/31/04).

Paige Miller, Burlington—For receiving the University of Iowa Dean's Scholarship. Senator Courtney (3/31/04).

Kaitlin Pals, Belmont—For receiving the Presidential Scholarship awarded by the University of Iowa. Senator Iverson (4/5/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Seventh-graders from North Iowa Middle School in Thompson, accompanied by teachers Diane Coy and Brad Ewest. Senator Gaskill.

REPORTS OF COMMITTEE MEETINGS

HUMAN RESOURCES

Convened: April 1, 2004, 1:40 p.m.

Members Present: Veenstra, Chair; Seymour, Vice Chair; Ragan, Ranking Member; Behn, Boettger, Hatch, Holveck, Horn, Hosch, Kreiman, McKinley, Schuerer, and Tinsman.

Members Absent: None.

Committee Business: Passed SF 2301 and approved the Governor's appointee.

Adjourned: 1:50 p.m.

RULES AND ADMINISTRATION

Convened: April 1, 2004, 1:00 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Referred a Governor's appointee to the Human Resources committee.

Adjourned: 1:05 p.m.

WAYS AND MEANS

Convened: April 1, 2004, 2:00 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Seng, Stewart, and Wieck.

Members Absent: Quirnbach and Sievers (both excused).

Committee Business: Passed SF 2003 and HF's 2541 and 2551.

Adjourned: 2:30 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 148, by Warnstadt, Houser, Seymour, Wieck, Gronstal, Kettering, Veenstra, Connolly, Lundby, Black, Kibbie, Ragan, Beall, Stewart, Quirnbach, Courtney, Fraise, Dvorsky, Shull, Dotzler, Kreiman, Hatch, McCoy, Bolkom, Dearden, Holveck, Horn, and Johnson, a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 149, by Tinsman, Miller, and Brunkhorst, a resolution requesting the establishment of a committee to study and make recommendations related to the use of inmate labor for repair or improvement projects at state institutions.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 150, by McKibben, a resolution honoring the city of Alden on its sesquicentennial anniversary year.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2303, by committee on Ways and Means, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

Read first time under Rule 28 and **placed on Ways and Means calendar**.

SUBCOMMITTEE ASSIGNMENT

House File 2541

WAYS AND MEANS: Shull, Chair; McKibben and Seng

FINAL COMMITTEE REPORTS OF BILL ACTION

HUMAN RESOURCES

Bill Title: SENATE FILE 2301, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Veenstra, Seymour, Behn, Boettger, Hosch, McKinley, and Schuerer. Nays, 6: Ragan, Hatch, Holveck, Horn, Kreiman, and Tinsman. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2303 (formerly SF 2003), a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 15: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Rehberg, Seng, Stewart, and Wieck. Nays, none. Absent, 2: Quirnbach and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2541, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck. Nays, none. Absent, 3: Miller, Quirnbach, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2551, a bill for an act relating to programs under the authority of the department of public health.

Recommendation: DO PASS.

Final Vote: Ayes, 14: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck. Nays, none. Absent, 3: Miller, Quirnbach, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|--|
| S-5241 | H.F. | 2481 | Keith A. Kreiman |
| S-5242 | H.F. | 2481 | Keith A. Kreiman |
| S-5243 | H.F. | 2484 | Ron Wieck |
| S-5244 | H.F. | 2434 | Doug Shull John Putney Daryl Beall |
| S-5245 | S.F. | 2295 | Mike Connolly |
| S-5246 | H.F. | 2193 | Pat Ward |
| S-5247 | S.F. | 2215 | Paul McKinley |
| S-5248 | H.F. | 2396 | Keith A. Kreiman |
| S-5249 | H.F. | 2530 | Robert E. Dvorsky |
| S-5250 | H.F. | 2462 | Keith A. Kreiman |
| S-5251 | H.F. | 2447 | Dick L. Dearden Bob Brunkhorst |
| S-5252 | H.F. | 2471 | Keith A. Kreiman |
| S-5253 | H.F. | 2481 | Jack Holveck |

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY
FORTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 5, 2004

The Senate met in regular session at 10:05 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Jeff Sajdak, pastor of the Immanuel Christian Reformed Church in Orange City, Iowa. He was the guest of Senator Veenstra.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Pages Matt Kronlage and Maddison Sieck.

The Journal of Thursday, April 1, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 1, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2101, a bill for an act relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

Senate File 2154, a bill for an act relating to parties to whom traffic citations are issued for failure to obey school bus warning devices.

Senate File 2174, a bill for an act relating to the appointment of the ninth member of the state board of regents.

Senate File 2193, a bill for an act relating to the civil commitment of sexually violent predators.

Senate File 2249, a bill for an act regulating contest events involving animals, and providing a penalty and effective date.

Senate File 2272, a bill for an act relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

ALSO: That the House has on April 1, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2119, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys. (S-5255)

Senate File 2208, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable. (S-5256)

ALSO: That the House has on April 1, 2004, **concurred** in the Senate amendment and **passed** the following bills in which the concurrence of the House was asked:

House File 2134, a bill for an act relating to the medical assistance and state supplementary assistance programs, providing an effective date, and providing for retroactive applicability.

House File 2243, a bill for an act regarding user responsibility and liability with respect to liquefied petroleum gas systems.

House File 2269, a bill for an act providing for the regulation of business entities, including businesses providing for cemetery and funeral merchandising and services, business promotions and contracts, and businesses providing continuing care or adult congregate living services, and providing penalties.

House File 2281, a bill for an act relating to licensing of nonresident bait dealers and providing an effective date.

House File 2460, a bill for an act relating to school district enrollment of students listed on the sex offender registry.

ALSO: That the House has on April 1, 2004, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the House was asked:

House File 2186, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer. (S-5254)

ALSO: That the House has on April 1, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2549, a bill for an act relating to expenditures from the waste tire management fund.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 10:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:41 a.m., Senator Putney presiding.

RECESS

On motion of Senator Boettger, the Senate recessed at 11:42 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:00 p.m., President Lamberti presiding.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on March 30, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 108, a concurrent resolution memorializing Stephen Garst of Coon Rapids, Iowa.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 138.

Senate Resolution 138

On motion of Senator Sievers, **Senate Resolution 138**, a resolution honoring Dr. John T. Blong, Chancellor of Eastern Iowa Community College District, with report of committee recommending passage, was taken up for consideration.

Senator Sievers moved the adoption of Senate Resolution 138, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Tinsman welcomed to the Senate chamber Dr. John T. Blong, Chancellor of Eastern Iowa Community College District. Dr. Blong addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:10 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:16 p.m., President Lamberti presiding.

HOUSE AMENDMENT CONSIDERED

Senate File 297

Senator Rehberg called up for consideration **Senate File 297**, a bill for an act relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing applicability dates, amended by the House in House amendment S-5217, filed March 3, 2004.

Senator Rehberg 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 Rehberg 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. 297), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2026.

Senate File 2026

On motion of Senator Hosch, **Senate File 2026**, a bill for an act relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers, was taken up for consideration.

Senator Miller offered amendment S-5130, filed by him on March 23, 2004, 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-5130 be adopted?" (S.F. 2026), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Holveck | Lamberti | Seng |
| Beall | Horn | Lundby | Seymour |
| Black | Houser | McKinley | Shull |
| Boettger | Johnson | Miller | Stewart |
| Bolkcom | Kettering | Putney | Tinsman |
| Brunkhorst | Kibbie | Ragan | Veenstra |
| Hatch | Kreiman | Schuerer | Wieck |

Nays, 21:

| | | | |
|----------|---------|-----------|-----------|
| Behn | Dvorsky | McCoy | Ward |
| Connolly | Fraise | McKibben | Warnstadt |
| Courtney | Gaskill | Quirmbach | Zieman |

| | | |
|---------|----------|---------|
| Dearden | Gronstal | Redfern |
| Dotzler | Hosch | Rehberg |
| Drake | Iverson | Sievers |

Absent, 1:

Larson

Amendment S-5130 was adopted.

The Senate stood at ease at 3:07 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:48 p.m., President Lamberti presiding.

Senator Hosch moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2026), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 297** and **2026** be **immediately messaged** to the House.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 151, by Ragan and Tinsman, a resolution identifying suicide as a problem affecting the entire state and supporting the development of suicide prevention activities.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 152, by committee on Rules and Administration, a resolution honoring Senator Jack Holveck.

Read first time and **placed on calendar**.

Senate Resolution 153, by committee on Rules and Administration, a resolution honoring Senator Kitty Rehberg.

Read first time and **placed on calendar**.

Senate Resolution 154, by committee on Rules and Administration, a resolution honoring Senator Donald B. Redfern.

Read first time and **placed on calendar**.

Senate Resolution 155, by committee on Rules and Administration, a resolution honoring Senator Richard F. Drake.

Read first time and **placed on calendar**.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 152, a resolution honoring Senator Jack Holveck.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nay, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 152

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 152
 2 By: Committee on Rules and Administration
 3 A resolution honoring Senator Jack Holveck.
 4 WHEREAS, Senator Jack Holveck is retiring from
 5 legislative office after completing one term in office
 6 as a State Senator and nine terms as a member of the
 7 House of Representatives; and
 8 WHEREAS, Senator Holveck's distinguished career as
 9 a state legislator has included service as the ranking
 10 member of the Judiciary Committee in the Seventy-ninth
 11 General Assembly and ranking member of the
 12 Administration and Regulation Appropriations
 13 Subcommittee in the Eightieth General Assembly; and
 14 WHEREAS, Senator Holveck has served on many other
 15 standing committees throughout his 22 years of
 16 legislative service and has been an influential and
 17 devoted legislator in this state; and
 18 WHEREAS, Senator Holveck as a lawyer-legislator has
 19 been instrumental in championing the causes of
 20 consumers, low-income Iowans, and others who have not
 21 historically had a strong voice in public
 22 policymaking; and
 23 WHEREAS, Senator Holveck has served honorably and
 24 has unselfishly given of his time and efforts to
 25 further the interests of the State of Iowa and to
 26 provide beneficial programs for the citizens of Iowa;
 27 NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate pay
 29 tribute to Senator Jack Holveck for his devoted
 30 service to the Iowa General Assembly and the citizens

Page 2

1 of this state and wish him the very best in the years
 2 ahead; and
 3 BE IT FURTHER RESOLVED, That an official copy of
 4 this Resolution be prepared and presented to Senator
 5 Holveck.

The Senate rose and expressed its tribute to Senator Holveck.

Senator Iverson moved the adoption of Senate Resolution 152, which motion prevailed by a voice vote.

Senator Holveck was presented an enrolled copy of Senate Resolution 152.

Senator Holveck addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

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:

Carol Schuster, Accountancy Examining Board

Gilbert "Ron" Dardis, State of Iowa Adjutant General

Jamie Howard, Commission on the Status of African-Americans
Jerome Thomas, Commission on the Status of African-Americans

Brett Raasch, Board of Athletic Training Examiners

James Anastasi, Board of Behavioral Science Examiners

Rod Rebarcak, Board of Chiropractic Examiners

Ralph Rosenberg, Executive Director of the Iowa State Civil Rights Commission

Marc Lindeen, Commission on Community Action Agencies
Tammy Wetjen-Kesterson, Commission on Community Action Agencies

Paul Becker, Credit Union Review Board

Karen Potter-Maxwell, Commission on the Deaf

Ed Barnes, Iowa Drug Policy Advisory Council

David Bernstein, Economic Development Marketing Board

Lisa Carlson, Commission of Elder Affairs

Darshini Jayawardena, Iowa Empowerment Board

Betsy Roe, Iowa Ethics and Campaign Disclosure Board

Wanda Wyatt-Hardwick, Healthy and Well Kids in Iowa (HAWK-I) Board

Stephanie Savage, Iowa Higher Education Loan Authority

Sandra Glenn, Information Technology Council

Shanell Wagler, Iowa Empowerment Board Facilitator

Julie Westerheim, Landscape Architectural Examining Board

Angela Bonar, Iowa Law Enforcement Council

Martha Jane Bell, Loan and Credit Guarantee Advisory Board

Timothy Clausen, Iowa Lottery Authority Board of Directors

Mary Belieu, Board of Examiners for Massage Therapy

Russell Lee, Board of Medical Examiners

Mary Hughes, Mental Health and Developmental Disabilities Commission

Sally Stutsman, Mental Health Risk Pool Board

Terrance Lillis, Peace Officers' Retirement, Accident, and Disability System Trustee

Cheryl Stewart, Board of Physical and Occupational Therapy Examiners

Martin Ungs, Board of Physical and Occupational Therapy Examiners

Thomas Slater, Prevention of Disabilities Policy Council

Donald Marple, Real Estate Commission

Dawn Connet, Small Business Advisory Council

David Carlyle, Commission on Tobacco Use Prevention and Control

Gregg Connell, Vision Iowa Board

Mike Edwards, Vision Iowa Board

Holly Mennen-Sagar, Commission on the Status of Women

Senator Iverson moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Dvorsky.

HOUSE AMENDMENT CONSIDERED

Senate File 2149

Senator Zieman called up for consideration **Senate File 2149**, a bill for an act relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date, amended by the House in House amendment S-5214, filed March 30, 2004.

Senator Ziemán 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 Ziemán 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. 2149), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Lamberti | Seng |
| Beall | Fraise | Lundby | Seymour |
| Behn | Gaskill | McCoy | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Horn | McKinley | Stewart |
| Bolkcom | Hosch | Miller | Tinsman |
| Brunkhorst | Houser | Putney | Veenstra |
| Cannolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Ziemán |
| Drake | Kreiman | Schuerer | |

Nays, 1:

Holveck

Absent, 2:

Hatch Larson

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 2177

Senator Ward called up for consideration **Senate File 2177**, a bill for an act relating to the possession and self-administration of asthma or other airway constricting disease medication by public and

accredited nonpublic school students, amended by the House in House amendment S-5218, filed March 30, 2004.

Senator Ward 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 Ward 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. 2177), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

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 2234

Senator Miller called up for consideration **Senate File 2234**, a bill for an act relating to child custody and visitation provisions, amended by the House in House amendment S-5235, filed March 31, 2004.

Senator Miller 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 Miller 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. 2234), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2149, 2177, and 2234** be **immediately messaged** to the House.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2544 and Senate File 2302.

House File 2544

On motion of Senator Stewart, **House File 2544**, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable, with report of committee recommending passage, was taken up for consideration.

Senator Stewart offered amendment S-5258, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5258 was adopted by a voice vote.

Senator Stewart moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2544), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |

| | | |
|---------|---------|----------|
| Drake | Kibbie | Schuerer |
| Dvorsky | Kreiman | Seng |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senate File 2302

On motion of Senator Wieck, **Senate File 2302**, a bill for an act relating to tax credits for investments in certain qualifying businesses and community-based seed capital funds and providing for retroactive applicability, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2302), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Bolkcom | Horn | McKinley | Tinsman |
| Brunkhorst | Hosch | Miller | Veenstra |
| Connolly | Houser | Putney | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, 2:

| | |
|---------|-----------|
| Dearden | Quirnbach |
|---------|-----------|

Absent, 1:

Larson

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 2302** and **House File 2544** be **immediately messaged** to the House.

The Senate stood at ease at 5:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 6:38 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2547, a bill for an act providing for the disposition and sale of certain state-owned motor vehicles and making an appropriation.

Read first time and referred to committee on **Appropriations**.

House File 2554, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation.

Read first time and **attached to similar Senate File 2229**.

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Read first time and referred to committee on **Appropriations**.

House File 2557, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Read first time and referred to committee on **Ways and Means**.

House File 2559, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

Read first time and referred to committee on **Ways and Means**.

House File 2562, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Read first time and referred to committee on **Ways and Means**.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 154, a resolution honoring Senator Donald B. Redfern.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nay, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 154

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 154
2 By: Committee on Rules and Administration
3 A resolution honoring Senator Donald B. Redfern.
4 WHEREAS, Senator Donald B. Redfern is retiring from
5 legislative office after completing nearly three full
6 terms in office as a State Senator; and
7 WHEREAS, Senator Redfern's distinguished career as
8 a state legislator has included service as President
9 Pro Tempore in the Seventy-seventh and Seventy-eighth
10 General Assemblies, as Chairperson of the Education
11 Committee in the Seventy-seventh and Seventy-eighth
12 General Assemblies, as Chairperson of the Judiciary
13 Committee in the Eightieth General Assembly, and as
14 Chairperson of the Education Appropriations
15 Subcommittee in the Seventy-ninth General Assembly;
16 and
17 WHEREAS, Senator Redfern has served on many other
18 standing committees throughout his 11 years of
19 legislative service and has been an influential and
20 devoted legislator in this state; and
21 WHEREAS, Senator Redfern as a lawyer-legislator has
22 been instrumental in representing the views and
23 interests of the legal community before the Senate,
24 and in influencing legislation in the area of
25 education; and
26 WHEREAS, Senator Redfern has served honorably and
27 has unselfishly given of his time and efforts to
28 further the interests of the State of Iowa and to
29 provide beneficial programs for the citizens of Iowa;
30 NOW THEREFORE,

Page 2

1 BE IT RESOLVED BY THE SENATE, That the Senate pay
2 tribute to Senator Donald B. Redfern for his devoted
3 service to the Iowa General Assembly and the citizens
4 of this state and wish him the very best in the years
5 ahead; and
6 BE IT FURTHER RESOLVED, That an official copy of
7 this Resolution be prepared and presented to Senator
8 Redfern.

The Senate rose and expressed its tribute to Senator Redfern.

Senator McKibben took the chair at 7:03 p.m.

Senator Iverson moved the adoption of Senate Resolution 154, which motion prevailed by a voice vote.

Senator Redfern was presented an enrolled copy of Senate Resolution 154.

Senator Redfern addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS

Senate File 2102

On motion of Senator Brunkhorst, **Senate File 2102**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Brunkhorst offered amendment S-5005, filed by the committee on Judiciary on February 11, 2004, to pages 11, 25, 31, 32, 38, and 39 of the bill.

Senator Brunkhorst offered amendment S-5011, filed by him on February 17, 2004, to pages 1-3 of amendment S-5005, and moved its adoption.

Amendment S-5011 was adopted by a voice vote.

Senator Brunkhorst moved the adoption of amendment S-5005, as amended.

Amendment S-5005 was adopted by a voice vote.

Senator Brunkhorst asked and received unanimous consent that **House File 2207** be **substituted** for **Senate File 2102**.

House File 2207

On motion of Senator Brunkhorst, **House File 2207**, a bill for an act relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2207), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Brunkhorst asked and received unanimous consent that **Senate File 2102** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

Senate File 2155

On motion of Senator Kettering, **Senate File 2155**, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Kettering asked and received unanimous consent that **House File 2230** be **substituted** for **Senate File 2155**.

House File 2230

On motion of Senator Kettering, **House File 2230**, a bill for an act relating to safe deposit box access by a trustee of a trust created by the deceased owner or lessee of the safe deposit box, was taken up for consideration.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2230), the vote was:

Yeas, 49:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |

| | | |
|---------|-----------|----------|
| Dotzler | Kettering | Rehberg |
| Drake | Kibbie | Schuerer |
| Dvorsky | Kreiman | Seng |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Kettering asked and received unanimous consent that **Senate File 2155** be **withdrawn** from further consideration of the Senate.

President Lamberti took the chair at 7:30 p.m.

UNFINISHED BUSINESS

Senate File 2236

On motion of Senator Johnson, **Senate File 2236**, a bill for an act relating to awards of noneconomic damages against health care providers, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Johnson offered amendment S-5141, filed by him on March 24, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5141 was adopted by a voice vote.

Senator Johnson asked and received unanimous consent that **House File 2440** be **substituted** for **Senate File 2236**.

House File 2440

On motion of Senator Johnson, **House File 2440**, a bill for an act relating to awards of noneconomic damages against health care providers, was taken up for consideration.

Senator Dotzler offered amendment S-5274, filed by Senator Dotzler, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Johnson raised the point of order that amendment S-5274 was not germane to the bill.

The Chair ruled the point not well-taken and amendment S-5274 in order.

Senator Dotzler moved the adoption of amendment S-5274.

A record roll call was requested.

On the question "Shall amendment S-5274 be adopted?" (H.F. 2440), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5274 lost.

Senator Bolkcom offered amendment S-5275, filed by Senator Bolkcom, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Johnson raised the point of order that amendment S-5275 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5275 out of order.

Senator Putney asked and received unanimous consent to withdraw amendment S-5085, filed by Senators Putney and Johnson on March 11, 2004, to page 1 of the bill.

Senator Putney asked and received unanimous consent to withdraw amendment S-5095, filed by Senators Putney and Johnson on March 15, 2004, to page 1 of the bill.

Senator Tinsman withdrew amendment S-5145, filed by her on March 24, 2004, to page 1 of the bill.

Senator Redfern offered amendment S-5269, 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 23, nays 26.

Amendment S-5269 lost.

Senator Warnstadt offered amendment S-5270, 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-5270 be adopted?" (H.F. 2440), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5270 lost.

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?" (H.F. 2440), the vote was:

Yeas, 24:

| | | | |
|------------|----------|----------|----------|
| Angelo | Hosch | McKinley | Sievers |
| Behn | Houser | Putney | Tinsman |
| Boettger | Johnson | Rehberg | Veenstra |
| Brunkhorst | Lamberti | Schuerer | Ward |
| Drake | Lundby | Seymour | Wieck |
| Gaskill | McKibben | Shull | Zieman |

Nays, 25:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kettering | Redfern |
| Black | Fraise | Kibbie | Seng |
| Bolkcom | Gronstal | Kreiman | Stewart |
| Connolly | Hatch | McCoy | Warnstadt |
| Courtney | Holveck | Miller | |
| Dearden | Horn | Quirnbach | |
| Dotzler | Iverson | Ragan | |

Absent, 1:

Larson

The bill, having not received a constitutional majority, was declared to have failed to pass the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 2207** and **2230** be **immediately messaged** to the House.

President Pro Tempore Angelo took the chair at 9:00 p.m.

UNFINISHED BUSINESS

Senate File 2248

On motion of Senator Veenstra, **Senate File 2248**, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Veenstra offered amendment S-5268, filed by him from the floor to pages 1-9 and 15-18 of the bill, and moved its adoption.

Amendment S-5268 was adopted by a voice vote.

Senator Veenstra asked and received unanimous consent that **House File 2537** be **substituted** for **Senate File 2248**.

House File 2537

On motion of Senator Veenstra, **House File 2537**, a bill for an act addressing redesign of the system for services and other support provided for persons with mental illness, mental retardation or other developmental disabilities, or brain injury, 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. 2537), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Veenstra asked and received unanimous consent that **Senate File 2248** be **withdrawn** from further consideration of the Senate.

UNFINISHED BUSINESS

House File 22

On motion of Senator Tinsman, **House File 22**, a bill for an act relating to the awarding of joint physical care of a child, placed on the Unfinished Business Calendar on April 1, 2004, 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. 22), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2200

On motion of Senator Kettering, **House File 2200**, a bill for an act relating to fire safety issues, including the promulgation of administrative rules by the state fire marshal and arson and simulated explosive related criminal offenses, and providing for a penalty, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Kettering offered amendment S-5128, filed by the committee on Judiciary on March 23, 2004, to page 1 and to the title page of the bill.

Senator Kettering offered amendment S-5257, filed by him from the floor to pages 2, 5, and 6 of amendment S-5128, and moved its adoption.

Amendment S-5257 was adopted by a voice vote.

With the adoption of amendment S-5257 to amendment S-5128, the Chair ruled amendment S-5225, filed by Senator Kettering on March 30, 2004, to pages 5 and 6 of amendment S-5128, out of order.

Senator Kettering moved the adoption of amendment S-5128, as amended.

Amendment S-5128 was adopted by a voice vote.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2200), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Files 22, 2200, and 2537** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 561

On motion of Senator Tinsman, **House File 561**, a bill for an act creating the crime of invasion of privacy, and providing a penalty, placed on the Unfinished Business Calendar on April 1, 2004, 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. 561), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2433

On motion of Senator Zieman, **House File 2433**, a bill for an act relating to fees retained by county treasurers for the issuance of driver's licenses and nonoperator identification cards, placed on the Unfinished Business Calendar on April 1, 2004, 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. 2433), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seng |
| Beall | Gaskill | Lundby | Seymour |
| Behn | Gronstal | McCoy | Shull |
| Black | Hatch | McKibben | Sievers |
| Boettger | Horn | McKinley | Stewart |
| Bolkcom | Hosch | Miller | Tinsman |
| Brunkhorst | Houser | Putney | Veenstra |
| Connolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |
| Dvorsky | Kreiman | Schuerer | |

Nays, 2:

| | |
|---------|---------|
| Dearden | Holveck |
|---------|---------|

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

House File 2462

The Senate resumed consideration of **House File 2462**, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects, deferred April 1, 2004.

Senator Kreiman withdrew amendment S-5250, filed by him on April 1, 2004, to page 1 of the bill.

Senator Kreiman offered amendment S-5273, 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 27, nays 2.

Amendment S-5273 was adopted.

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. 2462), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

House File 2396

The Senate resumed consideration of **House File 2396**, a bill for an act relating to recovery of prejudgment interest in relation to an offer to confess judgment, deferred April 1, 2004.

Senator Kreiman offered amendment S-5248, filed by him on April 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5248 lost 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. 2396), the vote was:

Yeas, 35:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Hosch | McKibben | Shull |
| Behn | Houser | McKinley | Sievers |
| Black | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Redfern | Ward |
| Drake | Kibbie | Rehberg | Warnstadt |
| Gaskill | Lamberti | Schuerer | Wieck |
| Hatch | Lundby | Seng | Zieman |
| Horn | McCoy | Seymour | |

Nays, 14:

| | | | |
|---------|---------|----------|---------|
| Beall | Dearden | Gronstal | Ragan |
| Bolkcom | Dotzler | Holveck | Stewart |

Connolly
Courtney

Dvorsky
Fraise

Kreiman
Quirmbach

Absent, 1:

Larson

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 561, 2396, 2433, and 2462** be **immediately messaged** to the House.

UNFINISHED BUSINESS

Senate File 2078

On motion of Senator Zieman, **Senate File 2078**, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and police retirement system, and providing effective and retroactive applicability dates, placed on the Unfinished Business Calendar on April 1, 2004, was taken up for consideration.

Senator Zieman offered amendment S-5071, filed by him on March 10, 2004, to pages 12, 22-24, and 27 of the bill, and moved its adoption.

Amendment S-5071 was adopted by a voice vote.

Senator Zieman asked and received unanimous consent that **House File 2262** be **substituted** for **Senate File 2078**.

House File 2262

On motion of Senator Zieman, **House File 2262**, a bill for an act relating to public retirement systems, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, and the statewide fire and

police retirement system, and providing effective and retroactive applicability dates, was taken up for consideration.

Senator Kibbie offered amendment S-5259, filed by Senator Kibbie, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5259 be adopted?" (H.F. 2262), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5259 lost.

Senator Zieman offered amendment S-5264, filed by Senators Zieman, Connolly, and Kibbie from the floor to pages 2, 14, 16, and 22 of the bill, and moved its adoption.

Amendment S-5264 was adopted by a voice vote.

Senator Kibbie asked and received unanimous consent to withdraw amendment S-5261, filed by Senators Kibbie and Zieman from the floor to page 8 of the bill.

Senator Beall offered amendment S-5262, filed by Senators Beall and Zieman from the floor to pages 17 and 23 of the bill, and moved its adoption.

Amendment S-5262 was adopted by a voice vote.

Senator Johnson withdrew amendment S-5226, filed by him on March 30, 2004, to page 29 and to the title page of the bill.

With the withdrawal of amendment S-5226, the Chair ruled amendment S-5267, filed by Senator Johnson from the floor to page 1 of the bill, out of order.

Senator Kibbie offered amendment S-5263, filed by Senators Kibbie and Zieman from the floor to page 29 and to the title page of the bill, and moved its adoption.

Amendment S-5263 was adopted by a voice vote.

Senator Sievers offered amendment S-5271, filed by Senators Sievers and Hosch from the floor to page 29 and to the title page of the bill, and moved its adoption.

Amendment S-5271 was adopted by a voice vote.

Senator Sievers asked and received unanimous consent to withdraw amendment S-5272, filed by Senators Sievers, Tinsman, and Seng from the floor to page 29 and to the title page of the bill.

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. 2262), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, 1:

Hatch

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

WITHDRAWN

Senator Zieman asked and received unanimous consent that **Senate File 2078** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2262** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 5, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2190, a bill for an act relating to the development of the long-term care system in Iowa.

Senate File 2266, a bill for an act relating to landlord disclosure requirements regarding the environmental status of rental property.

Senate File 2284, a bill for an act relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

ALSO: That the House has on April 5, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2066, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable. (S-5276)

Senate File 2183, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date. (S-5277)

Senate File 2213, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee. (S-5278)

ALSO: That the House has on April 5, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2568, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Read first time and referred to committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 11:12 p.m. until 8:30 a.m., Tuesday, April 6, 2004.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

April 1, 2004

DEPARTMENT OF ADMINISTRATIVE SERVICES

Notification of establishment of internal service funds, pursuant to Iowa Code section 8A.123.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Mr. and Mrs. Larry Iles, Stratford—For celebrating your 50th wedding anniversary. Senator Iverson (4/6/04).

Eva M. Nelson, Madrid—For celebrating your 85th birthday on April 6, 2004. Senator Quirnbach (4/6/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 5, 2004, 2:00 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member (excused).

Committee Business: Passed resolutions for retiring senators, and SRs 145, 147, 148, 149, and 150.

Adjourned: 2:10 p.m.

WAYS AND MEANS

Convened: April 5, 2004, 1:00 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Bolkcom, Ranking Member; and Angelo (both excused).

Committee Business: Subcommittee assignments.

Adjourned: 1:05 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 117, by Miller, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 156, by Fraise and Courtney, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 157, by Fraise and Courtney, a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3172 Ways and Means

Relating to Iowa individual income tax checkoffs, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the

limitation on income tax checkoffs, and including effective and applicability date provisions.

SSB 3173 Ways and Means

Relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

SSB 3174 Ways and Means

Relating to a state sales and use tax exemption for tangible property and services used by a business in converting vans for use by persons with disabilities.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 148

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 149

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 150

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

SSB 3172

WAYS AND MEANS: Shull, Chair; Dotzler and McKibben

SSB 3173

WAYS AND MEANS: Shull, Chair; Bolcom and McKibben

SSB 3174

WAYS AND MEANS: Wieck, Chair; Hosch and Stewart

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 145, a resolution recognizing Parent's Day.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 147, a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent.

Recommendation: DO PASS.

Final Vote: Ayes, 7: Iverson, Lamberti, Boettger, Drake, Gaskill, Sievers, and Wieck. Nays, 3: Courtney, Dvorsky, and Ragan. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 148, a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 149, a resolution requesting the establishment of a committee to study and make recommendations related to the use of inmate labor for repair or improvement projects at state institutions.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Iverson, Lamberti, Boettger, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, 1: Courtney. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 150, a resolution honoring the city of Alden on its sesquicentennial anniversary year.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 153, a resolution honoring Senator Kitty Rehberg.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 155, a resolution honoring Senator Richard F. Drake.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2440 failed to pass the Senate on April 5, 2004.

STEWART E. 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 5, 2004:

I submitted the name of Cindy Pancratz to serve on the Board of Examiners for Massage Therapy on March 15, 2004. I am withdrawing her name from further consideration by the Senate.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S DEFERRAL LETTER

The following letter from the Governor was received in the office of the Secretary of the Senate on April 5, 2004:

Pursuant to Iowa Code section 2.32(4), the appointment for the Board of Examiners for Massage Therapy vacancy, formerly held by Debra Brooks, is being deferred because no appropriate candidate has been found for this position at this time.

Sincerely,
THOMAS J. VILSACK
Governor

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following reports:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 31st day of March, 2004:

Senate Files 2148, 2187, and 2202.

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following resolution and bill have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 1st day of April, 2004:

Senate Joint Resolution 2009 and Senate File 2210.

MICHAEL E. MARSHALL
Secretary of the Senate

ALSO:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 5th day of April, 2004:

Senate Files 2217, 2224, and 2257.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 2, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.J.R. 2009 – Authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the 2004 Annual Meeting of the MidAmerican Chapter of the American Association of Law Librarians.

S.F. 2187– Relating to municipal utilities that provide local exchange services, including the confidentiality and audits of certain accounting records, the allocation of the cost of use of city resources, and exemption from sales and use taxes.

S.F. 2202 – Relating to meningococcal disease vaccination information for students who are enrolled in an institution of higher learning that has an on-campus dormitory or residence hall, and providing for related matters.

S.F. 2210 – Relating to the Iowa corn promotion board, including its ex officio, nonvoting membership and the expenditure of moneys for programs.

GOVERNOR'S VETO MESSAGE

April 2, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit Senate File 2148, an act relating to the motor vehicle operating privileges of a person convicted of motor fuel theft from a retail dealer.

I am unable to approve Senate File 2148. Suspension of an individual's driver's license is appropriate when it enhances safe highway travel as is in the case of drunk drivers or habitual traffic violators. Suspension of a driver's license is not currently a penalty for any type of theft under Iowa law nor should it become one. It is a bad public policy to use suspension of a driver's license for anything other than enhancing safe highway travel.

Theft of any kind, including theft of gasoline, has penalties under Iowa criminal law that are based on the value of the item stolen. Currently, Iowa law provides that theft of property not exceeding \$200 is punishable by a fine of at least \$50 but not more than \$500, or by imprisonment for not more than 30 days, or both. Theft is theft and should be treated as such in all cases.

It's not necessary to create special classes of crimes that have varying penalties within already existing criminal statutes. This would be the only area where driver's

license suspension would be used with regard to criminal theft. It does not make sense to treat the theft of gasoline in a different manner than the theft of any other property. This is also the only example where a driver's license suspension would be used to protect a private business. This would set bad precedents.

It is particularly important not to make an exception to good policy practice or take a precedent setting action when other options to address a problem have not been exhausted. Proponents of this law argue that tougher penalties are needed as a deterrent, but do not ask for increased enforcement under the new law. Adequately publicizing existing criminal penalties, including posting them on gas pumps, would provide as strong a deterrent as expanding potential penalties without increasing enforcement.

Additionally, implementing private business-based approaches to curb theft, such as prepayment for gasoline and video surveillance, are appropriate and effective steps that private businesses can take to prevent fuel theft.

For the above reasons, I hereby respectfully disapprove Senate File 2148.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5254 | H.F. | 2186 | House |
| S-5255 | S.F. | 2119 | House |
| S-5256 | S.F. | 2208 | House |
| S-5257 | H.F. | 2200 | Steve Kettering |
| S-5258 | H.F. | 2544 | Roger Stewart |
| S-5259 | H.F. | 2262 | John P. Kibbie Dennis H. Black Mike Connolly Thomas G. Courtney Dick L. Dearden Amanda Ragan |
| S-5260 | H.F. | 2447 | Dick L. Dearden |
| S-5261 | H.F. | 2262 | John P. Kibbie Mark Zieman |
| S-5262 | H.F. | 2262 | Daryl Beall Mark Zieman |
| S-5263 | H.F. | 2262 | John P. Kibbie Mark Zieman |
| S-5264 | H.F. | 2262 | Mark Zieman Mike Connolly John P. Kibbie |

| | | | |
|--------|------|------|--|
| S-5265 | H.F. | 2231 | David Miller |
| S-5266 | H.F. | 2473 | Hubert Houser |
| S-5267 | H.F. | 2262 | David Johnson |
| S-5268 | S.F. | 2248 | Ken Veenstra |
| S-5269 | H.F. | 2440 | Donald B. Redfern |
| S-5270 | H.F. | 2440 | Steve Warnstadt |
| S-5271 | H.F. | 2262 | Bryan J. Sievers Julie Hosch |
| S-5272 | H.F. | 2262 | Bryan J. Sievers Maggie Tinsman Joe M. Seng |
| S-5273 | H.F. | 2462 | Keith A. Kreiman |
| S-5274 | H.F. | 2440 | William A. Dotzler, Jr. Joe Bolkcom Keith A. Kreiman Robert E. Dvorsky Jack Holveck Thomas G. Courtney Amanda Ragan Daryl Beall Michael E. Gronstal Herman C. Quirmbach |
| S-5275 | H.F. | 2440 | Joe Bolkcom William A. Dotzler, Jr. Keith A. Kreiman Robert E. Dvorsky Jack Holveck Thomas G. Courtney Amanda Ragan Daryl Beall Michael E. Gronstal Herman C. Quirmbach |
| S-5276 | S.F. | 2066 | House |
| S-5277 | S.F. | 2183 | House |
| S-5278 | S.F. | 2213 | House |

JOURNAL OF THE SENATE

EIGHTY-SIXTH CALENDAR DAY
FIFTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 6, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Dennis St. Lawrence, pastor of the Grace Baptist Church in Chariton, Iowa. He was the guest of Senator McKinley.

The Journal of Monday, April 5, 2004, was approved.

SPECIAL PRESENTATION

John Morris, Terry Cochran, Greg Francisco, and John Grunwald, representatives of the Drouthy Ducks Pipes and Drums of Fairfield, Iowa, performed on bagpipes in the Senate chamber. Also present was Ann Gertds, president of the Scottish Heritage Society of Iowa.

The Senate rose and expressed its appreciation.

RECESS

On motion of Senator Iverson, the Senate recessed at 8:45 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:47 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 139.

Senate Resolution 139

On motion of Senator Boettger, **Senate Resolution 139**, a resolution to recognize May 2004 as Hepatitis C Awareness and Education Month and to urge greater public awareness and education regarding hepatitis C, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of Senate Resolution 139, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 126.

Senate Resolution 126

On motion of Senator McKinley, **Senate Resolution 126**, a resolution honoring Robert K. Beck for his accomplishments in service to the people of Iowa as a civic leader, state legislator, and newspaperman, with report of committee recommending passage, was taken up for consideration.

Senator McKinley moved the adoption of Senate Resolution 126, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator McKinley welcomed to the Senate chamber members of the Robert K. Beck family.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 140, a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 140.

Senate Resolution 140

On motion of Senator Iverson, **Senate Resolution 140**, a resolution encouraging the adoption of the Iowa tartan and the Iowa dress tartan as official state tartans, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 140, which motion prevailed by a voice vote.

The Senate stood at ease at 9:07 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:10 a.m., President Lamberti presiding.

UNFINISHED BUSINESS

House File 2395

On motion of Senator McKibben, **House File 2395**, a bill for an act creating the criminal offense of intellectual property counterfeiting, and providing a penalty, placed on the Unfinished

Business Calendar on April 1, 2004, 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?" (H.F. 2395), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2303.

Senate File 2303

On motion of Senator Shull, **Senate File 2303**, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain

educational institutions and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2303), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2328

On motion of Senator Tinsman, **House File 2328**, a bill for an act relating to child protection confidentiality requirements involving the department of human services, placed on the Unfinished Business Calendar on April 1, 2004, 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. 2328), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2303** and **House Files 2328** and **2395** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2259

On motion of Senator Kettering, **House File 2259**, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee

recommending amendment and passage, was taken up for consideration.

Senator Kettering offered amendment S-5151, filed by the committee on Judiciary on March 29, 2004, to pages 1 and 2 of the bill, and moved its adoption.

Amendment S-5151 was adopted by a voice vote.

Senator Kettering moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2259), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

House File 2393

The Senate resumed consideration of **House File 2393**, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date, and amendment S-5124, deferred April 1, 2004 (amendment S-5228 pending).

Senator Brunkhorst asked and received unanimous consent to withdraw amendment S-5124.

The Senate resumed consideration of amendment S-5228, previously deferred.

Senator Brunkhorst moved the adoption of amendment S-5228, which motion prevailed by a voice vote.

Senator Black moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2393), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2541.

House File 2541

On motion of Senator Shull, **House File 2541**, a bill for an act relating to utility replacement taxes by redefining major additions for purposes of allocating replacement taxes to taxing districts, requiring certain taxpayers to report estimated replacement taxes, and changing or establishing certain reporting dates and including effective and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2541), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2259, 2393, and 2541** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:55 a.m. until 1:00 p.m.

APPENDIX — 1

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Donald P. J. Anderson, Dubuque—For achieving the rank of Eagle Scout, St. Joseph Boy Scout Troop. Senator Connolly (4/18/04).

Dorothy Appelgate, Story City—For receiving the Kiwanian of the Year Award. Senator Iverson (4/8/04).

Steve Lynes, Glenwood—For achieving the rank of Eagle Scout, Boy Scout Troop 229. Senator Houser (4/24/04).

Ina Picht, Nevada—For celebrating your 101st birthday on April 8, 2004. Senator Iverson (4/8/04).

Mr. and Mrs. Larry Smith, Des Moines—For celebrating your 50th wedding anniversary. Senator McCoy (4/6/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

The Davenport West High School government class from Davenport, accompanied by Mr. Achs and Mr. Gjerde. Senators Seng and Sievers.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 6, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck.

Members Absent: Sievers (excused).

Committee Business: Passed SCR 117 and SRs 140, 156, and 157.

Adjourned: 8:45 a.m.

ALSO:

Convened: April 6, 2004, 11:50 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SR 158.

Adjourned: 11:55 a.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 158, by Brunkhorst, Rehberg, Houser, and Dotzler, a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003–2004 Wrestling Team.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS**Senate Concurrent Resolution 117**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 156

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 157

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 158

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2557

WAYS AND MEANS: Miller, Chair; Connolly and Rehberg

House File 2559

WAYS AND MEANS: Stewart, Chair; Hosch and McKibben

House File 2562

WAYS AND MEANS: Shull, Chair; McCoy and Wieck

House File 2568

WAYS AND MEANS: Wieck; Chair; McCoy and McKinley

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 158, a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003–2004 Wrestling Team.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AFTERNOON SESSION

The Senate reconvened at 1:24 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Ziemann asked and received unanimous consent to take up for consideration Senate Resolution 158.

Senate Resolution 158

On motion of Senator Brunkhorst, **Senate Resolution 158**, a resolution recognizing and congratulating the Wartburg College 2003 Men's and Women's Cross-Country Teams and the Wartburg College 2003–2004 Wrestling Team, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved the adoption of Senate Resolution 158, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Brunkhorst welcomed to the Senate chamber Wartburg College President Jack Ohle and the members and coaches of the 2003 Men's and Women's Cross-Country Teams and the 2003–2004 Wrestling Team. President Ohle addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION
(Regular Calendar)**Senate Resolution 153**

Senator Ziemann asked and received unanimous consent to take up the following resolution:

- 1 SENATE RESOLUTION 153
- 2 By: Committee on Rules and Administration
- 3 A resolution honoring Senator Kitty Rehberg.

4 WHEREAS, Senator Kitty Rehberg is retiring from
5 legislative office after completing two terms in
6 office as a State Senator; and
7 WHEREAS, Senator Rehberg's distinguished career as
8 a state legislator has included service as the
9 Chairperson of the Small Business, Economic
10 Development and Tourism Committee in the Seventy-ninth
11 General Assembly, as Chairperson of the Economic
12 Growth Committee in the Eightieth General Assembly,
13 and as Chairperson of the Education Appropriations
14 Subcommittee in the Seventy-seventh and Seventy-eighth
15 General Assemblies; and
16 WHEREAS, Senator Rehberg has also served as Vice
17 Chairperson of the Education Committee and on many
18 other standing committees throughout her eight years
19 of legislative service and has been an influential and
20 devoted legislator in this state; and
21 WHEREAS, Senator Rehberg has been influential in
22 the passage of legislation in areas of economic and
23 rural development, and education, and has championed
24 the interests of her constituents; and
25 WHEREAS, Senator Rehberg has served honorably and
26 has unselfishly given of her time and efforts to
27 further the interests of the State of Iowa and to
28 provide beneficial programs for the citizens of Iowa;
29 NOW THEREFORE,
30 BE IT RESOLVED BY THE SENATE, That the Senate pay

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1 tribute to Senator Kitty Rehberg for her devoted
2 service to the Iowa General Assembly and the citizens
3 of this state and wish her the very best in the years
4 ahead; and
5 BE IT FURTHER RESOLVED, That an official copy of
6 this Resolution be prepared and presented to Senator
7 Rehberg.

The Senate rose and expressed its tribute to Senator Rehberg.

Senator Iverson moved the adoption of Senate Resolution 153, which motion prevailed by a voice vote.

Senator Rehberg was presented an enrolled copy of Senate Resolution 153.

Senator Rehberg addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2553.

House File 2553

On motion of Senator Connolly, **House File 2553**, a bill for an act relating to technical and substantive changes regarding the Iowa educational savings plan trust and the establishment of an additional optional program by a specified date, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Connolly offered amendment S-5283, filed by him from the floor to page 6 of the bill.

Senator Connolly withdrew amendment S-5283.

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. 2553), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2378

On motion of Senator Tinsman, **House File 2378**, a bill for an act relating to the disposition of medical assistance special needs trusts, including the payment rate for nursing facility levels of care, placed on the Unfinished Business Calendar on April 1, 2004, 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. 2378), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator McKibben took the chair at 2:23 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lamberti, until he returns, on request of Senator Iverson.

UNFINISHED BUSINESS

House File 2434

On motion of Senator Putney, **House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending amendment and passage, was taken up for consideration.

The Senate stood at ease at 2:29 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 2:50 p.m., Senator McKibben presiding.

Senator Putney asked and received unanimous consent to withdraw amendment S-5154, filed by the committee on Commerce on March 29, 2004, to pages 16 and 17 of the bill.

With the withdrawal of amendment S-5154, the Chair ruled amendment S-5179, filed by Senator Putney on March 30, 2004, to page 1 of amendment S-5154, out of order.

Senator Shull offered amendment S-5244, filed by Senators Shull, Putney, and Beall on April 1, 2004, to pages 13-18 of the bill.

Senator Shull asked and received unanimous consent that action on amendment S-5244 be deferred.

Senator Wieck asked and received unanimous consent to withdraw amendment S-5143, filed by Senators Wieck, Putney, and Beall on March 24, 2004, to pages 16 and 17 of the bill.

Senator Wieck offered amendment S-5281, filed by him on from the floor to pages 16 and 17 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5281 be adopted?" (H.F. 2434), the vote was:

Yeas, 12:

| | | | |
|----------|-----------|----------|-----------|
| Boettger | Kettering | Miller | Seymour |
| Drake | Lundby | Rehberg | Warnstadt |
| Hosch | McKinley | Schuerer | Wieck |

Nays, 36:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Dotzler | Iverson | Redfern |
| Beall | Dvorsky | Johnson | Seng |
| Behn | Fraise | Kibbie | Shull |
| Black | Gaskill | Kreiman | Sievers |
| Bolkcom | Gronstal | McCoy | Stewart |
| Brunkhorst | Hatch | McKibben | Tinsman |
| Connolly | Holveck | Putney | Veenstra |
| Courtney | Horn | Quirmbach | Ward |
| Dearden | Houser | Ragan | Zieman |

Absent, 2:

| | |
|----------|--------|
| Lamberti | Larson |
|----------|--------|

Amendment S-5281 lost.

The Senate resumed consideration of amendment S-5244, previously deferred.

Senator Shull moved the adoption of amendment S-5244.

Amendment S-5244 was adopted by a voice vote.

Senator Putney moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2434), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

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 2378, 2434, and 2553** be **immediately messaged** to the House.

President Lamberti took the chair at 3:10 p.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senate Resolution 155

Senator Iverson asked and received unanimous consent to take up the following resolution:

1 SENATE RESOLUTION 155
 2 By: Committee on Rules and Administration
 3 A resolution honoring Senator Richard F. Drake.
 4 WHEREAS, Senator Richard F. Drake is retiring from
 5 legislative office as one of the longest serving
 6 members of the Senate, serving seven terms in office

7 as a State Senator and nearly four full terms as a
8 member of the House of Representatives; and
9 WHEREAS, Senator Drake's distinguished career as a
10 state legislator has included service as the
11 chairperson of the Transportation Committee in the
12 Sixty-eighth, Sixty-ninth, Seventy-seventh, Seventy-
13 eighth, and Eightieth General Assemblies and as
14 ranking member of the Transportation Committee in the
15 Seventieth through Seventy-sixth General Assemblies;
16 and
17 WHEREAS, Senator Drake served as chairperson of the
18 Ethics Committee in the Seventy-ninth and Eightieth
19 General Assemblies and as a member of the Ethics
20 Committee in the Seventieth through Eightieth General
21 Assemblies from 1983 through 2004; and
22 WHEREAS, Senator Drake has served on many other
23 standing committees throughout his 35 years of
24 legislative service and has been an influential and
25 devoted legislator in this state; and
26 WHEREAS, Senator Drake has been instrumental in the
27 passage of transportation legislation for his entire
28 career in the Senate; and
29 WHEREAS, Senator Drake's institutional and
30 historical knowledge regarding transportation issues

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1 is widely acknowledged and appreciated by legislators,
2 staff, and the lobby; and
3 WHEREAS, Senator Drake has served honorably and has
4 unselfishly given of his time and efforts to further
5 the interests of the State of Iowa and to provide
6 beneficial programs for the citizens of Iowa; NOW
7 THEREFORE,
8 BE IT RESOLVED BY THE SENATE, That the Senate pay
9 tribute to Senator Richard F. Drake, also endearingly
10 known as "The Commander", for his devoted service to
11 the Iowa General Assembly and the citizens of this
12 state and wish him the very best in the years ahead;
13 and
14 BE IT FURTHER RESOLVED, That an official copy of
15 this Resolution be prepared and presented to Senator
16 Drake.

The Senate rose and expressed its tribute to Senator Drake.

Senator Iverson moved the adoption of Senate Resolution 155, which motion prevailed by a voice vote.

President Lamberti presented Senator Drake a key to light one of the original chandeliers in the Senate chamber and an enrolled copy of Senate Resolution 155.

Mark Wandro, Director of the Department of Transportation, addressed the Senate with brief remarks honoring Senator Drake. Mr. Wandro presented Senator Drake a plaque in honor of his years of service.

Senator Drake addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2121, a bill for an act exempting certain environmental test laboratory services from the state sales and use taxes.

ALSO: That the House has on April 6, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2558, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable.

Read first time and **attached to companion Senate File 2301**.

House File 2560, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

House File 2561, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Read first time and referred to committee on **Ways and Means**.

UNFINISHED BUSINESS

House File 2481

On motion of Senator Tinsman, **House File 2481**, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Holveck offered amendment S-5286, filed by him from the floor to page 1 of the bill.

Senator Holveck asked and received unanimous consent that action on amendment S-5286 be deferred.

Senator Kreiman offered amendment S-5241, filed by him on April 1, 2004, to page 1 of the bill.

Senator Kreiman asked and received unanimous consent that action on amendment S-5241 and **House File 2481** be **deferred**.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, until he returns, on request of Senator Gronstal.

UNFINISHED BUSINESS

House File 2489

On motion of Senator Wieck, **House File 2489**, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance

product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and funeral merchandise and services; and providing and applying penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Wieck offered amendment S-5156, filed by the committee on Commerce on March 29, 2004, to page 20 and to the title page of the bill, and moved its adoption.

Amendment S-5156 was adopted by a voice vote.

Senator McCoy offered amendment S-5168, filed by him on March 29, 2004, to page 20 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5168 be adopted?" (H.F. 2489), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Kibbie | Seng |
| Black | Dvorsky | Kreiman | Stewart |
| Bolkcom | Fraise | Lundby | Tinsman |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Holveck | Quirnbach | |
| Dearden | Horn | Ragan | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

Amendment S-5168 lost.

Senator President Pro Tempore Angelo took the chair at 4:12 p.m.

Senator Wieck withdrew amendment S-5187, filed by him on March 30, 2004, to page 32 of the bill.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2489), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

Hatch Larson

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 2489** 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 2292.

Senate File 2292

On motion of Senator Warnstadt, **Senate File 2292**, a bill for an act providing for the automatic repeal of programs containing an appropriation under specified circumstances, was taken up for consideration.

Senator Warnstadt moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2292), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|-------|--------|
| Hatch | Larson |
|-------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2552.

House File 2552

On motion of Senator Putney, **House File 2552**, a bill for an act relating to the issuance of special motor vehicle registration plates and providing effective and retroactive applicability dates, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Putney offered amendment S-5238, filed by the committee on Ways and Means on March 31, 2004, to pages 2 and 5 of the bill.

Senator Lundby offered amendment S-5289, filed by her from the floor to page 1 of amendment S-5238, and moved its adoption.

Amendment S-5289 was adopted by a voice vote.

Senator Putney moved the adoption of amendment S-5238, as amended.

Amendment S-5238 was adopted by a voice vote.

Senator McCoy offered amendment S-5282, 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-5282 be adopted?" (H.F. 2552), the vote was:

Yeas, 19:

| | | | |
|----------|----------|---------|-----------|
| Angelo | Dearden | Holveck | Ragan |
| Beall | Dotzler | Horn | Seng |
| Black | Fraise | Kibbie | Stewart |
| Bolkcom | Gronstal | Kreiman | Warnstadt |
| Courtney | Hatch | McCoy | |

Nays, 30:

| | | | |
|------------|-----------|-----------|----------|
| Behn | Houser | Miller | Sievers |
| Boettger | Iverson | Putney | Tinsman |
| Brunkhorst | Johnson | Quirnbach | Veenstra |
| Connolly | Kettering | Redfern | Ward |
| Drake | Lamberti | Rehberg | Wieck |
| Dvorsky | Lundby | Schuerer | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |

Absent, 1:

Larson

Amendment S-5282 lost.

Senator Horn offered amendment S-5288, filed by him from the floor to page 4 of the bill.

Senator Horn withdrew amendment S-5288.

Senator Connolly asked and received unanimous consent that action on **House File 2552** be **deferred**.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2291.

Senate File 2291

On motion of Senator Miller, **Senate File 2291**, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions, was taken up for consideration.

Senator Quirnbach offered amendment S-5166, filed by him on March 29, 2004, to page 4 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5166 be adopted?" (S.F. 2291), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 1:

Larson

Amendment S-5166 lost.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2291), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, 1:

Kreiman

Absent, 1:

Larson

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 2291** and **2292** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2296, a bill for an act relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 5:31 p.m. until 8:30 a.m., Wednesday, April 7, 2004.

APPENDIX — 2

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Shajia Ahmad, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Kyle Duchman, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Matthew Eagles, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Melissa Ives, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Amy Pirtle, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Margaret Poe, Cedar Falls—For receiving the Presidential Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Charlie Pratt, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Molly Pratt, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

Sawsan Sultana, Cedar Falls—For receiving the Dean's Scholarship from the University of Iowa. Senator Redfern (4/7/04).

Clayton Tillotson, Burlington—For being chosen for the University of Iowa Honor String Orchestra. Senator Courtney (1/31/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

The Davenport West High School government class from Davenport, accompanied by Ms. Daugherty and Ms. Koranda. Senators Seng and Sievers.

The St. Pat's Association Shady Ladies and their escorts from Emmetsburg. Senator Kibbie.

INTRODUCTION OF RESOLUTION

Senate Resolution 159, by Putney, a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILL RECEIVED

SSB 3175 Ways and Means

Relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

SUBCOMMITTEE ASSIGNMENT

SSB 3175

WAYS AND MEANS: Angelo, Chair; Dotzler and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE CONCURRENT RESOLUTION 117, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 156, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 157, a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 1: Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 6th day of April, 2004:

Senate Files 2174, 2244, 2249, and 2274.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | | |
|--------|--------|------|---------------------------------|
| S-5279 | S.F. | 2179 | Mark Ziemann |
| S-5280 | S.C.R. | 113 | Mike Connolly Mary A. Lundby |
| S-5281 | H.F. | 2434 | Ron Wieck |
| S-5282 | H.F. | 2552 | Matt W. McCoy |
| S-5283 | H.F. | 2553 | Mike Connolly |
| S-5284 | H.F. | 2484 | Julie M. Hosch |
| S-5285 | H.F. | 2481 | Keith A. Kreiman |

| | | | |
|--------|------|------|----------------|
| S-5286 | H.F. | 2481 | Jack Holveck |
| S-5287 | S.F. | 2229 | Neal Schuerer |
| S-5288 | H.F. | 2552 | Wally E. Horn |
| S-5289 | H.F. | 2552 | Mary A. Lundby |
| S-5290 | H.F. | 2481 | Jack Holveck |

JOURNAL OF THE SENATE

EIGHTY-SEVENTH CALENDAR DAY
FIFTY-FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 7, 2004

The Senate met in regular session at 8:39 a.m., President Lamberti presiding.

The Show Hawk Men of Hartley-Melvin-Sanborn High School vocally performed the “Star Spangled Banner” under the direction of Sue Ewen. They were the guests of Senator Johnson.

The Journal of Tuesday, April 6, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 6, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2193, a bill for an act relating to determining compliance with course of study requirements regarding cosmetology licensure.

House File 2527, a bill for an act relating to the provision of a copy of a certificate of birth to a biological parent.

ALSO: That the House has on April 6, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 443, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date. (S-5293)

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date. (S-5292)

Senate File 2279, a bill for an act relating to petition requirements for establishing a satellite absentee voting station. (S-5291)

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 127 and Senate Concurrent Resolution 117.

Senate Resolution 127

On motion of Senator Rehberg, **Senate Resolution 127**, a resolution honoring University of Iowa football player Robert Gallery, with report of committee recommending passage, was taken up for consideration.

Senator Rehberg moved the adoption of Senate Resolution 127, which motion prevailed by a voice vote.

Senate Concurrent Resolution 117

On motion of Senator Miller, **Senate Concurrent Resolution 117**, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved the adoption of Senate Concurrent Resolution 117, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Miller welcomed to the Senate chamber 2004 Iowa Pork Queen Courtney Knupp. Ms. Knupp addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 135.

Senate Resolution 135

On motion of Senator Dvorsky, **Senate Resolution 135**, a resolution honoring University of Iowa football player Nate Kaeding from Coralville, Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 135, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 117** be **immediately messaged** to the House.

The Senate stood at ease at 9:01 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:43 a.m., President Lamberti presiding.

UNFINISHED BUSINESS

House File 2518

On motion of Senator Johnson, **House File 2518**, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on **House File 2518** be **deferred**.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate File 2215.

Senate File 2215

On motion of Senator McKinley, **Senate File 2215**, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state, was taken up for consideration.

Senator McKinley offered amendment S-5247, filed by him on April 1, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5247 was adopted by a voice vote.

Senator Warnstadt asked and received unanimous consent that action on **Senate File 2215** be **deferred**.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Schuerer asked and received unanimous consent to take up for consideration Senate Resolutions 156 and 157.

Senate Resolution 156

On motion of Senator Courtney, **Senate Resolution 156**, a resolution honoring the Southeastern Community College Men's Basketball Team on its national championship, with report of committee recommending passage, was taken up for consideration.

Senator Courtney moved the adoption of Senate Resolution 156, which motion prevailed by a voice vote.

Senate Resolution 157

On motion of Senator Fraise, **Senate Resolution 157**, a resolution honoring Southeastern Community College Men's Basketball Coach Joe O'Brien, with report of committee recommending passage, was taken up for consideration.

Senator Fraise moved the adoption of Senate Resolution 157, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Courtney welcomed to the Senate chamber coaches and members of the Southeastern Community College Men's Basketball Team. Senator Fraise introduced Coach Joe O'Brien, who addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

BUSINESS PENDING

House File 2518

The Senate resumed consideration of **House File 2518**, a bill for an act relating to the duties of the soil and water conservation division of the department of agriculture and land stewardship, 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?" (H.F. 2518), the vote was:

Yeas, 49:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Miller | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirnbach | Warnstadt |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 1:

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Schuerer asked and received unanimous consent that **House File 2518** be **immediately messaged** to the House.

RECESS

On motion of Senator Schuerer, the Senate recessed at 11:05 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:15 p.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 150.

Senate Resolution 150

On motion of Senator McKibben, **Senate Resolution 150**, a resolution honoring the city of Alden on its sesquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of Senate Resolution 150, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 109.

Senate Concurrent Resolution 109

On motion of Senator Putney, **Senate Concurrent Resolution 109**, a concurrent resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Putney offered amendment S-5119, filed by him on March 22, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5119 was adopted by a voice vote.

Senator Putney moved the adoption of Senate Concurrent Resolution 109, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Putney welcomed to the Senate chamber representatives of the eight members of the Meskwaki tribe who served as Code Talkers in North Africa during World War II.

The Senate rose and expressed its welcome.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate Concurrent Resolution 109** be **immediately messaged** to the House.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley and Ziemann, until they return, on request of Senator Veenstra.

UNFINISHED BUSINESS

House File 2447

On motion of Senator Schuerer, **House File 2447**, a bill for an act relating to industry standards for boilers, directing the labor commissioner to adopt emergency rules when the industry standards are supplemented, providing for appeals of the commissioner's orders, and providing an effective date, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 1:25 p.m.

Senator Schuerer offered amendment S-5240, filed by Senators Schuerer, Dotzler, and Brunkhorst on March 31, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Dearden offered amendment S-5251, filed by Senators Dearden and Brunkhorst on April 1, 2004, to pages 1, 2, 8, and 9 of amendment S-5240, and moved its adoption.

Amendment S-5251 was adopted by a voice vote.

Senator Dearden withdrew amendment S-5260, filed by him on April 5, 2004, to page 2 of amendment S-5240.

Senator Schuerer moved the adoption of amendment S-5240, as amended.

Amendment S-5240 was adopted by a voice vote.

Senator Schuerer moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2447), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | |

Nays, none.

Absent, 3:

| | | |
|--------|----------|--------|
| Larson | McKinley | Zieman |
|--------|----------|--------|

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 Veenstra asked and received unanimous consent that **House File 2447** be **immediately messaged** to the House.

The Senate stood at ease at 1:35 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 2:49 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 160, by Putney, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 161, by Holveck, a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Veenstra, the Senate recessed at 2:50 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 2:53 p.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 160, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 2: Iverson and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolution 160.

Senate Resolution 160

On motion of Senator Putney, **Senate Resolution 160**, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of Senate Resolution 160, which motion prevailed by a voice vote.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

House File 2530

The Senate resumed consideration of **House File 2530**, a bill for an act relating to the assessment of surcharges in criminal proceedings, deferred April 1, 2004.

Senator Dvorsky offered amendment S-5249, filed by him on April 1, 2004, to pages 1, 2, 4, and 6 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5249 be adopted?" (H.F. 2530), the vote was:

Yeas, 21:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |

| | | |
|----------|---------|-----------|
| Courtney | Hatch | Quirnbach |
| Dearden | Holveck | Ragan |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

Amendment S-5249 lost.

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. 2530), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

SPECIAL GUESTS

Senator Johnson welcomed to the Senate chamber the Honorable Richard Vande Hoef, former member of the Senate from Osceola County, and his wife Harriet.

The Senate rose and expressed its welcome.

UNFINISHED BUSINESS

House File 2480

On motion of Senator Ward, **House File 2480**, a bill for an act prohibiting the award of pets, or advertisement thereof, in certain circumstances, and providing a penalty, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2480), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 371

Senator Houser called up for consideration **Senate File 371**, a bill for an act relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date, amended by the House in House amendment S-5172, filed March 29, 2004.

Senator Houser moved that the Senate concur in the House amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment.

Senator Houser moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 371), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Beall | Gaskill | Lamberti | Seng |
| Behn | Gronstal | Lundby | Seymour |
| Black | Hatch | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |
| Dvorsky | Kibbie | Rehberg | |

Nays, 1:

Dearden

Absent, 2:

Larson

Zieman

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 2213

Senator Brunkhorst called up for consideration **Senate File 2213**, a bill for an act regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee, amended by the House in House amendment S-5278, filed April 5, 2004.

Senator Brunkhorst 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 Brunkhorst 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2213), the vote was:

Yeas, 48:

| | | | |
|------------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |

| | | | |
|---------|-----------|-----------|-----------|
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 Veenstra asked and received unanimous consent that **Senate Files 371 and 2213** and **House Files 2480 and 2530** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2352

On motion of Senator Lundby, **House File 2352**, a bill for an act relating to the appointment of illegal dumping enforcement officers and providing a penalty, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, 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?" (H.F. 2352), the vote was:

Yeas, 48:

| | | | |
|------------|----------|----------|----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |

| | | | |
|---------|-----------|-----------|-----------|
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2528

On motion of Senator Boettger, **House File 2528**, a bill for an act relating to consideration of a juvenile court order by the district court in a custody proceeding, placed on the Unfinished Business Calendar on April 1, 2004, 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. 2528), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 2066

Senator Johnson called up for consideration **Senate File 2066**, a bill for an act modifying requirements for securing children transported in motor vehicles and making a penalty applicable, amended by the House in House amendment S-5276, filed April 5, 2004.

Senator Johnson 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2066), the vote was:

Yeas, 43:

| | | | |
|----------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Boettger | Holveck | McCoy | Sievers |
| Bolkcom | Horn | McKibben | Stewart |
| Connolly | Hosch | Putney | Tinsman |
| Courtney | Houser | Quirnbach | Veenstra |
| Dearden | Iverson | Ragan | Ward |
| Dotzler | Johnson | Redfern | Warnstadt |
| Drake | Kettering | Rehberg | Wieck |
| Dvorsky | Kibbie | Schuerer | |

Nays, 5:

| | | |
|------------|----------|--------|
| Black | Hatch | Miller |
| Brunkhorst | McKinley | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate File 2066** and **House Files 2352** and **2528** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 265

On motion of Senator Boettger, **House File 265**, a bill for an act relating to the withdrawal of blood without a warrant from a person under arrest for an operating-while-intoxicated offense when the arrest results from a traffic accident resulting in death or personal injury reasonably likely to cause death, placed on the Unfinished Business Calendar on April 1, 2004, 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. 265), the vote was:

Yeas, 40:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Gaskill | Lamberti | Seng |
| Behn | Gronstal | Lundby | Seymour |
| Black | Horn | McKibben | Shull |
| Boettger | Hosch | McKinley | Sievers |
| Brunkhorst | Houser | Miller | Stewart |
| Courtney | Iverson | Putney | Tinsman |
| Dearden | Johnson | Ragan | Veenstra |
| Dotzler | Kettering | Redfern | Ward |
| Drake | Kibbie | Rehberg | Warnstadt |
| Fraise | Kreiman | Schuerer | Wieck |

Nays, 8:

| | | | |
|---------|----------|---------|-----------|
| Beall | Connolly | Hatch | McCoy |
| Bolkcom | Dvorsky | Holveck | Quirmbach |

Absent, 2:

Larson

Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator McKibben took the chair at 3:43 p.m.

CONSIDERATION OF BILLS
(Ways and Means Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration House Files 2367 and 2551.

House File 2367

On motion of Senator Miller, **House File 2367**, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky asked and received unanimous consent that action on **House File 2367** be **deferred**.

House File 2551

On motion of Senator Seng, **House File 2551**, a bill for an act relating to programs under the authority of the department of public health, with report of committee recommending passage, was taken up for consideration.

Senator Seng moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2551), the vote was:

Yeas, 48:

Angelo
Beall

Dvorsky
Fraise

Kibbie
Kreiman

Rehberg
Schuerer

| | | | |
|------------|-----------|-----------|-----------|
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

President Pro Tempore Angelo took the chair at 3:56 p.m.

UNFINISHED BUSINESS
(Deferred April 1, 2004)

House File 2471

The Senate resumed consideration of **House File 2471**, a bill for an act relating to a prisoner from another state being detained or committed to a county jail in this state, and providing an effective date, deferred April 1, 2004.

Senator Kreiman offered amendment S-5252, filed by him on April 1, 2004, to page 1 and to the title page of the bill.

Senator Kreiman withdrew amendment S-5252.

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. 2471), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | Lundby | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Holveck | McKinley | Stewart |
| Bolkcom | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirmbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | |
| Drake | Kibbie | Schuerer | |

Nays, 2:

| | |
|-------|-------|
| Hatch | McCoy |
|-------|-------|

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **House Files 265, 2471, and 2551** be **immediately messaged** to the House.

UNFINISHED BUSINESS (Deferred April 1, 2004)

House File 2484

The Senate resumed consideration of **House File 2484**, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders, deferred April 1, 2004.

Senator Wieck offered amendment S-5243, filed by him on April 1, 2004, to page 39 of the bill, and moved its adoption.

Amendment S-5243 was adopted by a voice vote.

With the adoption of amendment S-5243, the Chair ruled amendment S-5147, filed by Senator McKibben on March 25, 2004, to page 39 of the bill, out of order.

Senator Hosch offered amendment S-5284, filed by her on April 6, 2004, to page 39 and to the title page of the bill, and moved its adoption.

Amendment S-5284 was adopted by a voice vote.

Senator Bolkom offered amendment S-5157, filed by Senator Bolkom, et al., on March 29, 2004, to page 39 and to the title page of the bill.

Senator Behn raised the point of order that amendment S-5157 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5157 out of order.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2484), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 Veenstra asked and received unanimous consent that **House File 2484** be **immediately messaged** to the House.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Dvorsky, until he returns, on request of Senator Gronstal.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS

In accordance with Senate Rule 59, Senator Veenstra called up the following eligible appointees on the En Bloc Confirmation Calendar:

Loretha Tegatz, Commission on the Status of African-Americans

Kathy Miller, Commission on the Deaf

Kelly Hayworth, IowaAccess Advisory Council

Margaret Eicher, Board of Mortuary Science Examiners

Sandra Dirks, Board of Psychology Examiners

Steven Mulcahy, Commission of Veterans Affairs

Ken Sagar, Iowa Workforce Development Board

Senator Veenstra moved that the foregoing appointees be confirmed by the Senate.

On the question "Shall the appointees be confirmed?" the vote was:

Yeas, 47:

| | | | |
|----------|----------|----------|----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Beall | Gaskill | Lamberti | Seng |
| Behn | Gronstal | Lundby | Seymour |
| Black | Hatch | McCoy | Shull |
| Boettger | Holveck | McKibben | Sievers |

| | | | |
|------------|-----------|-----------|-----------|
| Bolkcom | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Miller | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Dvorsky | Larson | Zieman |
|---------|--------|--------|

The appointees, having received a two-thirds vote, were declared to have been confirmed by the Senate.

BUSINESS PENDING

Senate File 2215

The Senate resumed consideration of **Senate File 2215**, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state, 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?" (S.F. 2215), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Rehberg |
| Beall | Fraise | Kreiman | Schuerer |
| Behn | Gaskill | Lamberti | Seng |
| Black | Gronstal | Lundby | Seymour |
| Boettger | Hatch | McCoy | Shull |
| Bolkcom | Holveck | McKibben | Sievers |
| Brunkhorst | Horn | McKinley | Stewart |
| Connolly | Hosch | Miller | Tinsman |
| Courtney | Houser | Putney | Veenstra |
| Dearden | Iverson | Quirnbach | Ward |
| Dotzler | Johnson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |

Nays, none.

Absent, 2:

Larson Zieman

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 Veenstra asked and received unanimous consent to take up for consideration Senate File 2301.

Senate File 2301

On motion of Senator Boettger, **Senate File 2301**, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Boettger asked and received unanimous consent that **House File 2558** be **substituted** for **Senate File 2301**.

House File 2558

On motion of Senator Boettger, **House File 2558**, a bill for an act relating to crimes against members of the species homo sapiens at any stage of development and making penalties applicable, 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. 2558), the vote was:

Yeas, 30:

| | | | |
|--------|---------|----------|---------|
| Angelo | Gaskill | Lundby | Seymour |
| Behn | Hosch | McKibben | Shull |
| Black | Houser | McKinley | Sievers |

| | | | |
|------------|-----------|----------|----------|
| Boettger | Iverson | Miller | Veenstra |
| Brunkhorst | Johnson | Putney | Ward |
| Connolly | Kettering | Rehberg | Wieck |
| Drake | Kibbie | Schuerer | |
| Fraise | Lamberti | Seng | |

Nays, 18:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kreiman | Stewart |
| Bolkcom | Gronstal | McCoy | Tinsman |
| Courtney | Hatch | Quirnbach | Warnstadt |
| Dearden | Holveck | Ragan | |
| Dotzler | Horn | Redfern | |

Absent, 2:

| | |
|--------|--------|
| Larson | Zieman |
|--------|--------|

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 2301** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Veenstra asked and received unanimous consent that **Senate File 2215** and **House File 2558** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 117, a resolution congratulating Ms. Courtney Knupp on being crowned 2004 Iowa Pork Queen.

ALSO: That the House has on April 7, 2004, **adopted** the following resolutions in which the concurrence of the Senate is asked:

House Concurrent Resolution 108, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

Read first time and referred to committee on **Rules and Administration**.

House Concurrent Resolution 123, a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

Read first time and referred to committee on **Rules and Administration**.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 4:38 p.m. until 9:00 a.m., Thursday, April 8, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Robert Gallery, Mansonville—For being awarded the 2003 Outland Trophy, which designates the nation's best college football interior lineman. Senator Rehberg (4/7/04).

Catherine Gregersen, Waterloo—For celebrating your 90th birthday on April 7, 2004. Senator Dotzler (4/7/04).

Jill Johnson, Rockwell City-Lytton High School—For being named to the Iowa Newspaper Association all-state girls' basketball first team. Senator Beall (3/26/04).

Nate Kaeding, Coralville—For receiving the Lou Groza Collegiate Place-Kicker Award and for being named first team All-American. Senator Dvorsky (4/7/04).

Amy Keller, Clarion—For receiving the State of Iowa Scholar Award. Senator Iverson (4/8/04).

Mr. and Mrs. Robert Kennedy, Waterloo—For celebrating your 60th wedding anniversary. Senator Dotzler (4/6/04).

Justin Nevins, Des Moines—For being inducted into the Delta Chapter of the Rho Chi Society, an academic honor society in the college of pharmacy. Senator McCoy (4/7/04).

Andrew Odland, Clarion—For receiving the State of Iowa Scholar Award. Senator Iverson (4/8/04).

Leo Vogt, Waterloo—For celebrating your 90th birthday on April 7, 2004. Senator Dotzler (4/7/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Four foreign exchange students from Russia, who are attending school at Sumner High School in Sumner. They were accompanied by Marilyn Pederson. Senator Brunkhorst.

Sixty students from Kennedy High School in Cedar Rapids, accompanied by Pat Grady. Senators Horn and Larson.

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 7, 2004, 2:50 p.m.

Members Present: Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck.

Members Absent: Iverson, Chair; and Sievers (both excused).

Committee Business: Passed SRs 160 and 161.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: April 7, 2004, 11:10 a.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: None.

Committee Business: Passed HF's 2557, 2559, and 2568, and approved SSBs 3173 and 3175. Subcommittee assignments.

Recessed: 11:15 a.m.

Reconvened: 11:20 a.m.

Adjourned: 12:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 162, by Holveck, a resolution recognizing the achievements of the Urbandale Junior League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2304, by committee on Ways and Means, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

Read first time under Rule 28 and **placed on Ways and Means calendar.**

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 160

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 161

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2547

APPROPRIATIONS: McKibben, Chair; Angelo and Dvorsky

House File 2549

APPROPRIATIONS: Black, Chair; Angelo and Gaskill

House File 2555

APPROPRIATIONS: Tinsman, Chair; Angelo and Bolkcom

House File 2560

WAYS AND MEANS: Shull, Chair; Bolkcom and McKibben

House File 2561

WAYS AND MEANS: Bolkcom, Chair; Angelo and McKibben

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 161, a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series.

Recommendation: DO PASS.

Final Vote: Ayes, 9: Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, and Wieck. Nays, none. Absent, 2: Iverson and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: SENATE FILE 2304 (SSB 3173), a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 6: Bolkcom, Connolly, Dotzler, McCoy, Seng, and Stewart. Present, 1: Quirnbach. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2557, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2559, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2568, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets,

and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates.

Recommendation: DO PASS.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 7, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2217 – Relating to assessments imposed on cattle for purposes of promotion, education, and research, and providing an effective date.

S.F. 2224 – Relating to grain regulation.

S.F. 2257 – Relating to the use of credit information for underwriting or rating risks for personal insurance and providing an applicability date.

AMENDMENTS FILED

| | | | |
|--------|------|------|-----------------|
| S-5291 | S.F. | 2279 | House |
| S-5292 | S.F. | 2269 | House |
| S-5293 | S.F. | 443 | House |
| S-5294 | H.F. | 2552 | Matt W. McCoy |
| S-5295 | S.R. | 123 | Jerry Behn |
| S-5296 | H.F. | 2231 | David Miller |
| S-5297 | S.F. | 2262 | Steve Warnstadt |

State of Iowa

**JOURNAL
OF THE SENATE**

**EIGHTIETH
GENERAL ASSEMBLY**

**2004 REGULAR AND
EXTRAORDINARY SESSIONS**

Volume II

**JEFF LAMBERTI, President of the Senate
MICHAEL E. MARSHALL, Secretary of the Senate**

Published by the
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Des Moines

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JOURNAL OF THE SENATE

EIGHTY-EIGHTH CALENDAR DAY
FIFTY-SECOND SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 8, 2004

The Senate met in regular session at 9:15 a.m., President Lamberti presiding.

Prayer was offered by Bishop Alan Scarfe of the Episcopal Diocese of Iowa in Des Moines, Iowa. He was the guest of Senator Lamberti.

The Journal of Wednesday, April 7, 2004, was approved.

INTRODUCTION OF BILL

Senate File 2305, by committee on Ways and Means, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

Read first time and **placed on Ways and Means calendar**.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 7, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2259, a bill for an act relating to the selling and purchasing of products containing pseudoephedrine, and providing penalties.

House File 2262, a bill for an act relating to public retirement systems and other employee benefit related matters, including the public safety peace officers' retirement, accident, and disability system, the Iowa public employees' retirement system, the statewide fire and police retirement system, and the judicial retirement system, and providing effective and retroactive applicability dates.

House File 2393, a bill for an act relating to the regulation of target shooting near buildings and feedlots and the regulation of public hunting near buildings and feedlots and providing an effective date.

ALSO: That the House has on April 7, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2567, a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date.

Read first time and referred to committee on **Ways and Means**.

House File 2569, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

Read first time and referred to committee on **Ways and Means**.

The Senate stood at ease at 9:20 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:39 a.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he arrives, on request of Senator Brunkhorst.

UNFINISHED BUSINESS

House File 2467

On motion of Senator Ward, **House File 2467**, a bill for an act relating to the quorum requirement for the Iowa Access advisory council, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2467), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2486

On motion of Senator Johnson, **House File 2486**, a bill for an act providing for animal agriculture, including by providing for offenses involving animals and crops and related property, and providing penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, 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?" (H.F. 2486), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS
(Deferred April 7, 2004)

House File 2367

The Senate resumed consideration of **House File 2367**, a bill for an act relating to various issues under the purview of the department of corrections including the creation of an inmate labor fund, deferred April 7, 2004.

President Pro Tempore Angelo took the chair at 10:50 a.m.

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. 2367), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gronstal | McCoy | Shull |
| Beall | Hatch | McKibben | Sievers |
| Behn | Holveck | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Bolkcom | Hosch | Putney | Veenstra |
| Brunkhorst | Iverson | Quirnbach | Ward |
| Connolly | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |
| Dvorsky | Kreiman | Schuerer | |
| Fraise | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |

Nays, 3:

| | | |
|-------|----------|---------|
| Black | Courtney | Dotzler |
|-------|----------|---------|

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2367, 2467, and 2486** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 2186**

Senator Miller called up for consideration **House File 2186**, a bill for an act increasing the damages payable upon conviction of certain unlawful activities involving antlered deer, amended by the Senate and further amended by the House in House amendment S-5254 to Senate amendment H-8344, filed April 5, 2004.

Senator Miller moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Miller 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 voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2186), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2357

On motion of Senator Johnson, **House File 2357**, a bill for an act relating to the prevention and control of certain aquatic invasive plant and animal species and providing penalties, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, 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?" (H.F. 2357), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

Houser Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2402

On motion of Senator Schuerer, **House File 2402**, a bill for an act restricting executive branch authority to transfer appropriations between departments, placed on the Unfinished Business Calendar on April 1, 2004, 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. 2402), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Miller | Sievers |
| Behn | Johnson | Putney | Tinsman |
| Boettger | Kettering | Redfern | Veenstra |
| Brunkhorst | Lamberti | Rehberg | Ward |
| Drake | Lundby | Schuerer | Wick |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **House Files 2186, 2357, and 2402** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2179

Senator Zieman called up for consideration **Senate File 2179**, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board, amended by the House in House amendment S-5239, filed March 31, 2004.

Senator Zieman offered amendment S-5279, filed by him on April 6, 2004, to page 1 of House amendment S-5239, and moved its adoption.

Amendment S-5279 was adopted by a voice vote.

Senator Zieman 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 Zieman 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2179), the vote was:

Yeas, 48:

| | | | |
|------------|----------|----------|----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |

| | | | |
|----------|-----------|-----------|-----------|
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Boettger took the chair at 11:25 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2208

Senator Johnson called up for consideration **Senate File 2208**, a bill for an act relating to the powers and duties of the department of agriculture and land stewardship, and making penalties applicable, amended by the House in House amendment S-5256, filed April 5, 2004.

Senator Johnson 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2208), the vote was:

Yeas, 48:

| | | | |
|--------|----------|----------|----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |

| | | | |
|------------|-----------|-----------|-----------|
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

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 2269

Senator Zieman called up for consideration **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, amended by the House in House amendment S-5292, filed April 7, 2004.

Senator Kibbie asked and received unanimous consent that action on House amendment S-5292 and **Senate File 2269** be **deferred**.

IMMEDIATELY MESSAGED

Senator Gaskill asked and received unanimous consent that **Senate Files 2179** and **2208** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2305 (SSB 3175), a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful

fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 17: McKibben, Shull, Bolkcom, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Ways and Means Committee on Senate File 2305, and they were attached to the committee report.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Gaskill asked and received unanimous consent to take up for consideration Senate File 2305 and House File 2557.

Senate File 2305

On motion of Senator Angelo, **Senate File 2305**, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, was taken up for consideration.

Senator Lundby asked and received unanimous consent that action on **Senate File 2305** be **deferred**.

House File 2557

On motion of Senator Miller, **House File 2557**, a bill for an act providing for the regulation of securities, providing for fees and penalties, and providing an effective date, with report of committee recommending passage, was taken up for consideration.

Senator Miller moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2557), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kreiman | Schuerer |
| Beall | Fraise | Lamberti | Seng |
| Behn | Gaskill | Lundby | Seymour |
| Black | Gronstal | McCoy | Shull |
| Boettger | Hatch | McKibben | Sievers |
| Bolkcom | Holveck | McKinley | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, none.

Absent, 2:

Houser Larson

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 2279

Senator Zieman called up for consideration **Senate File 2279**, a bill for an act relating to petition requirements for establishing a satellite absentee voting station, amended by the House in House amendment S-5291, filed April 7, 2004.

Senator Zieman 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 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2279), the vote was:

Yeas, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Miller | Sievers |
| Behn | Johnson | Putney | Veenstra |
| Boettger | Kettering | Redfern | Ward |
| Brunkhorst | Lamberti | Rehberg | Wieck |
| Drake | Lundby | Schuerer | Zieman |
| Gaskill | McKibben | Seymour | |
| Hosch | McKinley | Shull | |

Nays, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Tinsman |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Absent, 2:

| | |
|--------|--------|
| Houser | Larson |
|--------|--------|

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 Gaskill asked and received unanimous consent that **Senate File 2279** and **House File 2557** be **immediately messaged** to the House.

RECESS

On motion of Senator Gaskill, the Senate recessed at 11:50 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:17 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 8, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2447, a bill for an act relating to equipment and installation safety programs administered by the division of labor services of the department of workforce development, and providing an effective date.

House File 2523, a bill for an act providing for the regulation of air quality, and making penalties applicable.

House File 2544, a bill for an act requiring identification numbers for all parcels of real estate, additional real estate transaction recordings, and making a fee applicable.

ALSO: That the House has on April 8, 2004, **refused to concur** in the Senate amendment to the following bill in which the concurrence of the House was asked:

House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

The Senate stood at ease at 1:19 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:10 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Veenstra, the Senate adjourned at 3:11 p.m. until 10:00 a.m., Monday, April 12, 2004.

APPENDIX

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Dane Dickinson, Douds—For achieving the rank of Eagle Scout, Boy Scout Troop 99. Senator Miller (5/30/04).

INTRODUCTION OF RESOLUTION

Senate Resolution 163, by Warnstadt, a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 159

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 162

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 163

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House Concurrent Resolution 108

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House Concurrent Resolution 123

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2567

WAYS AND MEANS: Rehberg, Chair; Hosch and Stewart

House File 2569

WAYS AND MEANS: Stewart, Chair; Angelo and McKibben

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 8th day of April, 2004:

Senate Files 2101, 2149, 2177, 2193, and 2234.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 8, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2174 – Relating to the appointment of the ninth member of the state board of regents.

S.F. 2244 – Relating to municipal utilities that provide telecommunications services, including the examination and confidentiality of certain accounting records.

S.F. 2274 – Relating to the revised Iowa nonprofit corporation Act and providing penalties and effective and applicability dates.

AMENDMENTS FILED

| | | | |
|--------|------|------|----------------|
| S-5298 | H.F. | 593 | Mark Zieman |
| S-5299 | H.F. | 593 | Mark Zieman |
| S-5300 | S.F. | 2299 | Mary A. Lundby |
| S-5301 | S.F. | 443 | Ron Wieck |

JOURNAL OF THE SENATE

NINETY-SECOND CALENDAR DAY
FIFTY-THIRD SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 12, 2004

The Senate met in regular session at 10:10 a.m., President Lamberti presiding.

Prayer was offered by Father Mark Reasoner of the Sacred Heart Catholic Church in Osage, Iowa. He was the guest of Senator Ragan. Father Reasoner is the brother of Representative Reasoner.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Senate Pages.

The Journal of Thursday, April 8, 2004, was approved.

INTRODUCTION OF RESOLUTION

Senate Resolution 164, by Iverson, a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims.

Read first time and referred to committee on **Rules and Administration**.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 113 and Senate Resolution 129.

Senate Concurrent Resolution 113

On motion of Senator Lundby, **Senate Concurrent Resolution 113**, a concurrent resolution recognizing the 25th anniversary of the Iowa Natural Heritage Foundation, with report of committee recommending passage, was taken up for consideration.

Senator Lundby offered amendment S-5280, filed by Senators Connolly and Lundby on April 6, 2004, to page 2 of the resolution, and moved its adoption.

Amendment S-5280 was adopted by a voice vote.

Senator Lundby moved the adoption of Senate Concurrent Resolution 113, which motion prevailed by a voice vote.

SPECIAL GUEST

Senator Lundby welcomed to the Senate chamber Mr. Mark Ackelson, Director of the Iowa Natural Heritage Foundation.

The Senate rose and expressed its welcome.

Senate Resolution 129

On motion of Senator Iverson, **Senate Resolution 129**, a resolution to recognize Technical Sergeant Brian Dutcher of the Iowa Air National Guard and his employer, Iowa Select Farms, for their receipt of the George W. Bush Award, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 129, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 113** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 141 and 132.

Senate Resolution 141

On motion of Senator Lundby, **Senate Resolution 141**, a resolution honoring the town of Center Point and its surrounding community on the town's sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Resolution 141, which motion prevailed by a voice vote.

Senate Resolution 132

On motion of Senator Lundby, **Senate Resolution 132**, a resolution honoring the town of Palo and its surrounding community on the town's sesquicentennial year, with report of committee recommending passage, was taken up for consideration.

Senator Lundby moved the adoption of Senate Resolution 132, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolcom, for the day, on request of Senator Gronstal; Senator Fraise, until he arrives, on request of Senator Gronstal; and Senator Houser, until he arrives, on request of Senator Redfern.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2559.

House File 2559

On motion of Senator Stewart, **House File 2559**, a bill for an act relating to the duties of the college student aid commission and the approval and registration of postsecondary schools by the commission, the department of education, and the secretary of state, and the establishment and collection of fees and chargeable expenses by the state board of education and the secretary of state, with report of committee recommending passage, was taken up for consideration.

Senator Stewart moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2559), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Holveck | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Cannolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Houser | Larson |
|---------|--------|--------|--------|

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 2299.

Senate File 2299

On motion of Senator Lundby, **Senate File 2299**, a bill for an act establishing a planning group for unifying state administration of services utilized by elderly Iowans, was taken up for consideration.

Senator Lundby offered amendment S-5300, filed by her on April 8, 2004, to pages 1, 2, and to the title page of the bill, and moved its adoption.

Amendment S-5300 was adopted by a voice vote.

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. 2299), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Holveck | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Iverson | Quirmbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Houser | Larson |
|---------|--------|--------|--------|

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 **Senate File 2299** and **House File 2559** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2119

Senator Kettering called up for consideration **Senate File 2119**, a bill for an act relating to collateral required to be pledged by banks to the treasurer of state in order to secure the deposit of public moneys, amended by the House in House amendment S-5255, filed April 5, 2004.

Senator Kettering 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 Kettering 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2119), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Seymour |
| Beall | Gronstal | McCoy | Shull |
| Behn | Hatch | McKibben | Sievers |
| Black | Holveck | McKinley | Stewart |
| Boettger | Horn | Miller | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Rehberg | Zieman |
| Drake | Kreiman | Schuerer | |
| Dvorsky | Lamberti | Seng | |

Nays, none.

Absent, 4:

Bolkcom

Fraise

Houser

Larson

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolution 148.

Senate Resolution 148

On motion of Senator Warnstadt, **Senate Resolution 148**, a resolution urging the United States Congress to appropriate funds to the National Park Service to assist state and local governments and private landowners in developing a comprehensive plan to preserve and restore the Loess Hills in Iowa, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 148, which motion prevailed by a voice vote.

UNFINISHED BUSINESS (Deferred April 6, 2004)

House File 2481

The Senate resumed consideration of **House File 2481**, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, deferred April 6, 2004.

Senator Gronstal asked and received unanimous consent that action on **House File 2481** be **deferred**.

IMMEDIATELY MESSAGED

Senator Boettger asked and received unanimous consent that **Senate File 2119** be **immediately messaged** to the House.

President Pro Tempore Angelo took the chair at 11:00 a.m.

HOUSE AMENDMENT CONSIDERED

Senate File 2183

Senator Schuerer called up for consideration **Senate File 2183**, a bill for an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date, amended by the House in House amendment S-5277, filed April 5, 2004.

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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2183), the vote was:

Yeas, 35:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Horn | McKibben | Sievers |
| Beall | Hosch | McKinley | Stewart |
| Behn | Houser | Miller | Tinsman |
| Black | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Warnstadt |
| Drake | Kibbie | Schuerer | Wieck |
| Gaskill | Lamberti | Seymour | Zieman |
| Gronstal | Lundby | Shull | |

Nays, 12:

Connolly
Courtney
Dearden

Dotzler
Dvorsky
Hatch

Holveck
Kreiman
McCoy

Quirnbach
Ragan
Seng

Absent, 3:

Bolkcom

Fraise

Larson

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 2183** be **immediately messaged** to the House.

MOTION TO RECONSIDER ADOPTED

House File 2440

Senator Iverson called up the motion to reconsider **House File 2440**, filed by him on April 5, 2004, and found on page 910 of the Senate Journal.

The Senate stood at ease at 11:30 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:41 p.m., Senator Tinsman 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.

President Lamberti took the chair at 12:55 p.m.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Redfern, until he returns, on request of Senator Iverson.

BUSINESS PENDING

House File 2440

The Senate resumed consideration of House File 2440.

Senator Iverson moved the adoption of the motion to reconsider.

On the question "Shall the motion to reconsider be adopted?" (H.F. 2440), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Miller | Tinsman |
| Boettger | Johnson | Putney | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | Warnstadt |

Absent, 3:

| | | |
|---------|--------|---------|
| Bolkcom | Larson | Redfern |
|---------|--------|---------|

The motion prevailed.

Senator Johnson moved to reconsider the vote by which House File 2440 went to its last reading, which motion prevailed by a voice vote.

On motion of Senator Johnson, **House File 2440**, a bill for an act relating to awards of noneconomic damages against health care providers, was taken up for reconsideration.

Senator Gronstal offered amendment S-5302, filed by him 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-5302 be adopted?" (H.F. 2440), the vote was:

Yeas, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirmbach |
| Black | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | Warnstadt |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 2:

| | |
|---------|--------|
| Bolkcom | Larson |
|---------|--------|

Amendment S-5302 lost.

Senator Gronstal offered amendment S-5303, 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-5303 be adopted?" (H.F. 2440), the vote was:

Yeas, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirmbach |
| Black | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | Warnstadt |

Nays, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Shull |
| Behn | Iverson | Miller | Sievers |
| Boettger | Johnson | Putney | Tinsman |
| Brunkhorst | Kettering | Redfern | Veenstra |
| Drake | Lamberti | Rehberg | Ward |
| Gaskill | Lundby | Schuerer | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Absent, 2:

| | |
|---------|--------|
| Bolkcom | Larson |
|---------|--------|

Amendment S-5303 lost.

Senator Kreiman asked and received unanimous consent that action on **House File 2440** be **deferred**.

SPECIAL PRESENTATION TO SENATE PAGES

The Senate Pages were invited to the well of the Senate for a special presentation and thanked by Senators Iverson and Gronstal for their service to the Senate.

Certificates of Excellence for serving with honor and distinction as Senate Pages during the 2004 Regular Session of the Eightieth General Assembly were given to the following:

Sarah Battani, Dexter Chan, Lindsay Davis, Jeremy Dunkin, Carolyn Kistler, Krista Kreiman, Matt Kronlage, John Lande, Marguerite Moeller, Samara Pals, Amy Penniston, Maddison Sieck, Laura Thomas, Allison Vennerberg, and Ashley Wilson.

The Senate rose and expressed its appreciation.

BUSINESS PENDING

House File 2440

The Senate resumed consideration of **House File 2440**, a bill for an act relating to awards of noneconomic damages against health care providers, previously deferred.

Senator Kreiman offered amendment S-5305, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5305 lost by a voice vote.

Senator Kreiman offered amendment S-5306, filed by him from the floor to page 1 of the bill, and moved its adoption.

Amendment S-5306 lost by a voice vote.

President Pro Tempore Angelo took the chair at 2:05 p.m.

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?" (H.F. 2440), the vote was:

Yeas, 27:

| | | | |
|------------|----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Rehberg | Veenstra |
| Brunkhorst | Lamberti | Schuerer | Ward |
| Drake | Lundby | Seng | Wieck |
| Gaskill | McKibben | Seymour | Zieman |
| Hosch | McKinley | Shull | |

Nays, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kettering | Redfern |
| Black | Fraise | Kibbie | Stewart |
| Connolly | Gronstal | Kreiman | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirnbach | |
| Dotzler | Horn | Ragan | |

Absent, 2:

| | |
|---------|--------|
| Bolkcom | Larson |
|---------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Johnson asked and received unanimous consent that **Senate File 2236** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2440** be **immediately messaged** to the House.

The Senate stood at ease at 2:16 p.m. until the fall of the gavel for the purpose of a Republican caucus.

The Senate resumed session at 2:38 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:39 p.m. until 4:00 p.m.

APPENDIX — 1**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

AGENCY ICN REPORT

April 8, 2004

DEPARTMENT OF JUSTICE—IOWA ATTORNEY GENERAL'S OFFICE

Iowa Communications Network (ICN) Usage for FY 2003, pursuant to Iowa Code section 8D.10.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Trevor Biggs, Rockford—For achieving the rank of Eagle Scout, Boy Scout Troop 34. Senator Ragan (4/13/04).

Dominique Covey, Dubuque—For receiving the Herbert Hoover Uncommon Student Award. Senator Connolly (10/18/03).

Kirk and JoAnn Daddow, Ames—For celebrating your 40th wedding anniversary. Senator Quirnbach (4/10/04).

Richard Denbow, Gladbrook—For your service as national Vice-Commander of the American Legion. Senator Putney (4/12/04).

John Hall—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Phil Henning, Marshalltown—For retiring after 34 years of coaching wrestling. Senator McKibben (4/13/04).

Larry Hicok, Rockford—For receiving the 2004 Iowa Reading Administrator of the Year Award. Senator Ragan (4/13/04).

Randall Hinkel, Madrid—For the outstanding accomplishment of 200 wins as a high school football coach. Senator Quirnbach (4/13/04).

Travis Hoven, Albia—For receiving the FFA Star in Ag Production Award. Senator McKinley (4/12/04).

Codie Kellen—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Adam Lucht, Muscatine—For achieving the rank of Eagle Scout. Senator Drake (4/12/04).

Rogers School—For your 125th anniversary as the oldest school in Marshalltown. Senator McKibben (4/13/04).

Joseph Stonesifer—For achieving the rank of Eagle Scout, Boy Scout Troop 188. Senator Veenstra (5/16/04).

Sgt. Michelle Vore, Vining—For your quick action in saving the life of SFC Samuel Martens during the Iraqi operations. Senator Putney (7/7/03).

Mr. and Mrs. Carroll Wegner, Gladbrook—For celebrating your 50th wedding anniversary. Senator Putney (4/10/04).

REPORT OF COMMITTEE MEETING

GOVERNMENT OVERSIGHT

Convened: April 12, 2004, 9:50 a.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Passed HF 2514.

Adjourned: 9:55 a.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 165, by Houser, a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 166, by Redfern, a resolution honoring the founding and growth of the American Mock Trial Association.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENT

Senate Resolution 164

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORT OF BILL ACTION

GOVERNMENT OVERSIGHT

Bill Title: HOUSE FILE 2514, a bill for an act relating to a pilot project for dementia-specific care alternatives.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 9, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2249 – Regulating contest events involving animals, and providing a penalty and effective date.

ALSO:

A communication was received announcing that on April 12, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2101 – Relating to receiving a precursor substance or possessing a product to be used in the unlawful manufacture of a controlled substance.

S.F. 2149 – Relating to games of chance by authorizing certain bingo games and prizes for bingo and raffles and providing an effective date.

S.F. 2177 – Relating to the possession and self-administration of asthma or other airway constricting disease medication by public and accredited nonpublic school students.

S.F. 2193 – Relating to the civil commitment of sexually violent predators.

S.F. 2234 – Relating to child custody and visitation provisions.

AFTERNOON SESSION

The Senate reconvened at 4:40 p.m., President Pro Tempore Angelo presiding.

QUORUM CALL

Senator Johnson requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 43 present, 7 absent, and a quorum present.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, for the day, on request of Senator Gaskill.

CONFIRMATION OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar)

Senator Iverson called up the appointment of Thomas Becker, as State Public Defender, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Ward moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 41:

| | | | |
|----------|-----------|-----------|-----------|
| Angelo | Fraise | Kibbie | Seymour |
| Beall | Gaskill | Kreiman | Shull |
| Behn | Gronstal | Lamberti | Stewart |
| Black | Hatch | McCoy | Veenstra |
| Boettger | Holveck | McKibben | Ward |
| Connolly | Horn | McKinley | Warnstadt |
| Courtney | Hosch | Putney | Wieck |
| Dearden | Houser | Quirnbach | Zieman |
| Dotzler | Iverson | Ragan | |
| Drake | Johnson | Redfern | |
| Dvorsky | Kettering | Rehberg | |

Nays, 6:

Brunkhorst
Lundby

Schuerer
Seng

Sievers
Tinsman

Absent, 3:

Bolkcom

Larson

Miller

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

The Senate stood at ease at 5:09 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 6:02 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 6:03 p.m. until the completion of a meeting of the committee on Rules and Administration.

EVENING SESSION

The Senate reconvened at 6:06 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Lundby, until she returns, on request of Senator Veenstra.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointee on the En Bloc Confirmation Calendar:

Judy Weller, State Board of Examiners for Nursing Home Administrators

Senator Iverson moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirmbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |
| Dvorsky | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Larson | Lundby | Miller |
|---------|--------|--------|--------|

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

SENATE INSISTS

House File 2434

Senator Putney called up for consideration **House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system, amended by the Senate, and moved that the Senate insist on its amendment.

The motion prevailed by a voice vote and the Senate **insisted** on its amendment.

APPOINTMENT OF CONFERENCE COMMITTEE

The Chair announced the following conference committee on **House File 2434** on the part of the Senate: Senators Putney, Chair; Shull, Wieck, Beall, and Fraise.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2434** be **immediately messaged** to the House.

CONFIRMATION OF GOVERNOR'S APPOINTMENTS
(Individual Confirmation Calendar)

Senator Iverson called up the appointment of Toby Shine, as a member of the Grow Iowa Values Board, placed on the Individual Confirmation Calendar on March 30, 2004, and found on page 797 of the Senate Journal.

Senator Ward moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Harvey Siegelman, as a member of the Grow Iowa Values Review Commission, placed on the Individual Confirmation Calendar on March 9, 2004, and found on page 461 of the Senate Journal.

Senator Rehberg moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 40:

| | | | |
|------------|-----------|-----------|-----------|
| Beall | Fraise | Kreiman | Seymour |
| Black | Gaskill | Lamberti | Shull |
| Boettger | Gronstal | Lundby | Sievers |
| Brunkhorst | Hatch | McCoy | Stewart |
| Connolly | Holveck | McKibben | Tinsman |
| Courtney | Horn | Putney | Veenstra |
| Dearden | Hosch | Quirmbach | Ward |
| Dotzler | Iverson | Ragan | Warnstadt |
| Drake | Kettering | Redfern | Wieck |
| Dvorsky | Kibbie | Seng | Zieman |

Nays, 7:

| | | | |
|--------|---------|----------|----------|
| Angelo | Houser | McKinley | Schuerer |
| Behn | Johnson | Rehberg | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The appointee, having received a two-thirds vote, was declared to have been confirmed by the Senate.

Senator Iverson called up the appointment of Frederick (Ted) Stilwill, as Director of the Department of Education, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Boettger moved that the foregoing appointment be confirmed by the Senate.

On the question “Shall the appointee be confirmed?” the vote was:

Yeas, 40:

| | | | |
|------------|----------|-----------|-----------|
| Beall | Dvorsky | Kettering | Seymour |
| Behn | Fraise | Kibbie | Shull |
| Black | Gaskill | Kreiman | Sievers |
| Boettger | Gronstal | McCoy | Stewart |
| Brunkhorst | Hatch | McKibben | Tinsman |
| Connolly | Holveck | Putney | Veenstra |
| Courtney | Horn | Quirmbach | Ward |
| Dearden | Hosch | Ragan | Warnstadt |
| Dotzler | Houser | Redfern | Wieck |
| Drake | Iverson | Seng | Zieman |

Nays, 7:

| | | | |
|---------|----------|----------|----------|
| Angelo | Lamberti | McKinley | Schuerer |
| Johnson | Lundby | Rehberg | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

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 Jonathan Wilson, as a member of the State Board of Education, placed on the Individual Confirmation Calendar on March 29, 2004, and found on page 710 of the Senate Journal.

Senator Iverson asked and received unanimous consent that action on the appointment of Jonathan Wilson be deferred.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:20 p.m. until 8:30 a.m., Tuesday, April 13, 2004.

APPENDIX — 2**BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR**

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 12th day of April, 2004:

Senate Files 371, 2044, 2213, 2266, 2284, and 2296.

MICHAEL E. MARSHALL
Secretary of the Senate

REPORTS OF COMMITTEE MEETINGS**RULES AND ADMINISTRATION**

Convened: April 12, 2004, 6:00 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 159, 162, 163, and 164, and HCRs 108 and 123.

Adjourned: 6:05 p.m.

WAYS AND MEANS

Convened: April 12, 2004, 2:45 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Bolkom, Ranking Member (excused).

Committee Business: Passed HF's 2302, 2560, 2561, 2562, 2567, and 2569.

Recessed: 4:35 p.m.

Reconvened: 7:30 p.m.

Adjourned: 8:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 167, by Angelo, a resolution honoring the town of Afton on its sesquicentennial anniversary year.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 159, a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 162, a resolution recognizing the achievements of the Urbandale Junior League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 163, a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 164, a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 108, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE CONCURRENT RESOLUTION 123, a concurrent resolution honoring N. William Hines on his retirement as Dean of the University of Iowa College of Law.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: *HOUSE FILE 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5312.

Final Vote: Ayes, 13: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 2: McCoy and Quirmbach. Absent, 2: Bolkcom and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on House File 2302, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2560, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2561, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: *HOUSE FILE 2562, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5309.

Final Vote: Ayes, 15: McKibben, Shull, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, 1: Angelo. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Services Agency reported nonsubstantive changes to the members of the Ways and Means Committee on House File 2562, and they were attached to the committee report.

ALSO:

Bill Title: HOUSE FILE 2567, a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2569, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff.

Recommendation: DO PASS.

Final Vote: Ayes, 16: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 1: Bolkcom.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

AMENDMENTS FILED

| | | | |
|--------|------|------|---------------------|
| S-5302 | H.F. | 2440 | Michael E. Gronstal |
| S-5303 | H.F. | 2440 | Michael E. Gronstal |
| S-5304 | H.F. | 2231 | Keith A. Kreiman |
| S-5305 | H.F. | 2440 | Keith A. Kreiman |
| S-5306 | H.F. | 2440 | Keith A. Kreiman |
| S-5307 | S.F. | 2305 | Gene Fraise |
| S-5308 | S.R. | 164 | Steve Warnstadt |
| S-5309 | H.F. | 2562 | Ways and Means |
| S-5310 | S.F. | 2282 | Steve Warnstadt |
| S-5311 | H.F. | 2231 | Keith A. Kreiman |
| S-5312 | H.F. | 2302 | Ways and Means |

JOURNAL OF THE SENATE

NINETY-THIRD CALENDAR DAY
FIFTY-FOURTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 13, 2004

The Senate met in regular session at 8:34 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Robert Wallace, pastor of the Nazareth Lutheran Church in Cedar Falls, Iowa. He was the guest of Senator Redfern.

The Journal of Monday, April 12, 2004, was approved.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators Miller, for the day, on request of Senator Iverson; Senator Bolkcom, for the day, on request of Senator Connolly; and Senator Fraise, until he returns, on request of Senator Gronstal.

REFUSAL OF GOVERNOR'S APPOINTMENT (Individual Confirmation Calendar) (Deferred April 12, 2004)

The Senate resumed consideration of the appointment of Jonathan Wilson, as a member of the State Board of Education, deferred April 12, 2004.

The Senate stood at ease at 8:42 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:50 a.m., President Lamberti presiding.

President Pro Tempore Angelo took the chair at 10:52 a.m.

The Senate stood at ease at 12:00 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 1:11 p.m., President Lamberti presiding.

Senator McKinley moved that the foregoing appointment be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kreiman | Redfern |
| Black | Gronstal | Lamberti | Seng |
| Connolly | Hatch | Lundby | Stewart |
| Courtney | Holveck | McCoy | Warnstadt |
| Dearden | Horn | Quirnbach | |
| Dotzler | Kibbie | Ragan | |

Nays, 24:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKinley | Sievers |
| Behn | Houser | Putney | Tinsman |
| Boettger | Iverson | Rehberg | Veenstra |
| Brunkhorst | Johnson | Schuerer | Ward |
| Drake | Kettering | Seymour | Wieck |
| Gaskill | McKibben | Shull | Zieman |

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | Miller |
|---------|--------|--------|--------|

The appointee, having failed to receive a two-thirds vote, was declared to have been **refused confirmation** by the Senate.

President Pro Tempore Angelo took the chair at 2:05 p.m.

UNFINISHED BUSINESS
(Deferred April 12, 2004)

House File 2481

The Senate resumed consideration of **House File 2481**, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order, deferred April 12, 2004, (amendments S-5286 and S-5241 pending).

The Senate resumed consideration of amendment S-5286, previously deferred.

Senator Holveck withdrew amendment S-5286.

Senator Holveck offered amendment S-5290, filed by him on April 6, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5290 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5241, previously deferred.

Senator Kreiman withdrew amendment S-5241.

Senator Kreiman withdrew amendment S-5285, filed by him on April 6, 2004, to page 1 of the bill.

Senator Kreiman withdrew amendment S-5242, filed by him on April 1, 2004, to page 1 of the bill.

Senator Holveck withdrew amendment S-5253, filed by him on April 1, 2004, to page 1 of the bill.

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. 2481), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Connolly | Gronstal | Kreiman | Stewart |
| Courtney | Hatch | McCoy | Warnstadt |
| Dearden | Holveck | Quirnbach | |

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | 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 File 2481** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration Senate Resolutions 159, 145, 149, and 163.

Senate Resolution 159

On motion of Senator Putney, **Senate Resolution 159**, a resolution honoring the town of Shellsburg and its surrounding community on the town's sesquicentennial anniversary, with report of committee recommending passage, was taken up for consideration.

Senator Putney moved the adoption of Senate Resolution 159, which motion prevailed by a voice vote.

Senate Resolution 145

On motion of Senator Hosch, **Senate Resolution 145**, a resolution recognizing Parents' Day, with report of committee recommending passage, was taken up for consideration.

Senator Hosch moved the adoption of Senate Resolution 145, which motion prevailed by a voice vote.

Senate Resolution 149

On motion of Senator Tinsman, **Senate Resolution 149**, a resolution requesting the establishment of a committee to study and make recommendations related to the use of inmate labor for repair or improvement projects at state institutions, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 149, which motion prevailed by a voice vote.

Senate Resolution 163

On motion of Senator Warnstadt, **Senate Resolution 163**, a resolution honoring the Sioux City West High School Dance Squad for its outstanding performance at the Marching Auxiliaries National Dance/Drill Team Competition, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 163, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 121 and 164 and House Concurrent Resolutions 108 and 123.

Senate Resolution 121

On motion of Senator Iverson, **Senate Resolution 121**, a resolution to recognize and honor Iowans serving in all branches and components of the military, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 121, which motion prevailed by a voice vote.

Senate Resolution 164

On motion of Senator Iverson, **Senate Resolution 164**, a resolution requesting the commissioner of insurance to submit an annual report to the legislative council containing administrative and financial information relating to medical malpractice claims, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt offered amendment S-5308, filed by him on April 12, 2004, to page 1 of the resolution, and moved its adoption.

Amendment S-5308 was adopted by a voice vote.

Senator Iverson moved the adoption of Senate Resolution 164, as amended, which motion prevailed by a voice vote.

House Concurrent Resolution 108

On motion of Senator Iverson, **House Concurrent Resolution 108**, a concurrent resolution recognizing the seventy-fifth anniversary of the Iowa Medical Society Alliance, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 108, which motion prevailed by a voice vote.

House Concurrent Resolution 123

On motion of Senator Iverson, **House Concurrent Resolution 123**, a concurrent resolution honoring N. William Hines on his retirement

as Dean of the University of Iowa College of Law, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved the adoption of House Concurrent Resolution 123, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 131.

Senate Resolution 131

On motion of Senator Johnson, **Senate Resolution 131**, a resolution honoring George S. Mills for his service to the people of Iowa as a reporter, author, and noted Iowa historian, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 131, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House Concurrent Resolutions 108** and **123** be **immediately messaged** to the House.

Senator McKibben took the chair at 2:44 p.m.

UNFINISHED BUSINESS
(Deferred April 8, 2004)

Senate File 2305

The Senate resumed consideration of **Senate File 2305**, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, deferred April 8, 2004.

Senator Lundby offered amendment S-5313, filed by Senators Lundby and Dvorsky from the floor to pages 1-4 of the bill.

Senator Lundby asked and received unanimous consent that action on amendment S-5313 and **Senate File 2305** be **deferred**.

HOUSE AMENDMENT CONSIDERED

Senate File 443

Senator McKinley called up for consideration **Senate File 443**, a bill for an act relating to criteria for community-based seed capital funds and providing a retroactive applicability date, amended by the House in House amendment S-5293, filed April 7, 2004.

Senator Wieck offered amendment S-5301, filed by him on April 8, 2004, to page 2 of House amendment S-5293, and moved its adoption.

Amendment S-5301 was adopted by a voice vote.

Senator McKinley 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 McKinley 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 443), the vote was:

Yeas, 46:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Gaskill | Lamberti | Seymour |
| Beall | Gronstal | Lundby | Shull |
| Behn | Hatch | McCoy | Sievers |
| Black | Holveck | McKibben | Stewart |
| Boettger | Horn | McKinley | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |

| | | | |
|---------|-----------|----------|--------|
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | Miller |
|---------|--------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 2560.

House File 2560

On motion of Senator Shull, **House File 2560**, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions, was taken up for consideration.

Senator Shull offered amendment S-5327, filed by him from the floor to page 2 of the bill, and moved its adoption.

Amendment S-5327 was adopted by a voice vote.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2560), the vote was:

Yeas, 46:

| | | | |
|----------|----------|----------|---------|
| Angelo | Gaskill | Lamberti | Seymour |
| Beall | Gronstal | Lundby | Shull |
| Behn | Hatch | McCoy | Sievers |
| Black | Holveck | McKibben | Stewart |
| Boettger | Horn | McKinley | Tinsman |

| | | | |
|------------|-----------|-----------|-----------|
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | 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 **Senate File 443** and **House File 2560** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2282

Senator Houser called up for consideration **Senate File 2282**, a bill for an act requiring a study of the archaeological and paleontological significance of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills, and providing a contingent effective date, amended by the House in House amendment S-5236, filed March 31, 2004.

Senator Warnstadt offered amendment S-5310, filed by him on April 12, 2004, to page 1 of House amendment S-5236, and moved its adoption.

Amendment S-5310 was adopted by a voice vote.

Senator Houser 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 Houser 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 voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2282), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lamberti | Seymour |
| Beall | Gronstal | Lundby | Shull |
| Behn | Hatch | McCoy | Sievers |
| Black | Holveck | McKibben | Stewart |
| Boettger | Horn | McKinley | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirmbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | Miller |
|---------|--------|--------|--------|

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 2505

On motion of Senator Brunkhorst, **House File 2505**, a bill for an act providing for the selling of alcoholic beverages, wine, or beer on credit by a convention center, civic center, or events center under specified circumstances, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Brunkhorst moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2505), the vote was:

Yeas, 41:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gronstal | McCoy | Shull |
| Beall | Hatch | McKibben | Sievers |
| Behn | Horn | McKinley | Stewart |
| Black | Hosch | Putney | Tinsman |
| Brunkhorst | Houser | Quirnbach | Ward |
| Connolly | Iverson | Ragan | Warnstadt |
| Courtney | Johnson | Redfern | Wieck |
| Dearden | Kettering | Rehberg | Zieman |
| Dotzler | Kibbie | Schuerer | |
| Dvorsky | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |

Nays, 5:

| | | |
|----------|---------|----------|
| Boettger | Holveck | Veenstra |
| Drake | Kreiman | |

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Fraise | Larson | 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 **Senate File 2282** and **House File 2505** be **immediately messaged** to the House.

Senator Sievers took the chair at 3:23 p.m.

CONSIDERATION OF BILLS (Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House Files 2562 and 2567.

House File 2562

On motion of Senator Shull, **House File 2562**, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Shull offered amendment S-5309, filed by the committee on Ways and Means on April 12, 2004, to pages 1-3, 5, and 7 of the bill.

Senator Shull withdrew amendment S-5317, filed by him from the floor to page 1 of amendment S-5309.

Senator Shull offered amendment S-5325, filed by him from the floor to page 1 of amendment S-5309, and moved its adoption.

Amendment S-5325 was adopted by a voice vote.

Senator Angelo asked and received unanimous consent that action on amendment S-5309 and **House File 2562** be **deferred**.

House File 2567

On motion of Senator Rehberg, **House File 2567**, a bill for an act regulating the transportation of animal carcasses, providing for fees and penalties, and providing for an effective date, 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. 2567), the vote was:

Yeas, 47:

Angelo
Beall
Behn

Fraise
Gaskill
Gronstal

Kreiman
Lamberti
Lundby

Seng
Seymour
Shull

| | | | |
|------------|-----------|-----------|-----------|
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 168, by Johnson, a resolution recognizing the year 2004 as a significant anniversary in the efforts to address polio and encouraging the continuation of the efforts so that polio can be successfully eradicated throughout the world.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 169, by Johnson, a resolution honoring the city of Hartley on its quasiquicentennial anniversary year.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 170, by Redfern, a resolution honoring Richard M. Calkins.

Read first time and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2306, by Iverson and Gronstal, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:37 p.m. until the completion of a meeting of the committee on Rules and Administration.

APPENDIX — 1**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

April 13, 2004

IOWA WORKFORCE DEVELOPMENT

2003 Status Report on the Iowa Unemployment Compensation Trust Fund, pursuant to Iowa Code section 96.35.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Jayde Duysen, Essex—For achieving the rank of Eagle Scout, Boy Scout Troop 75. Senator Angelo (3/7/04).

Brian Fettkether, Waterloo—For achieving the rank of Eagle Scout. Senator Rehberg (4/18/04).

Gene, Shawn, and Todd Flynn, Nevada—For receiving the Good Neighbor Award. Senator Iverson (4/13/04).

Peter Madsen, Melbourne—For being awarded the Jerry Parker Feature Writing Scholarship to the University of Iowa. Senator McKibben (4/14/04).

Anne Shuppy, Wilton—For receiving the Ruth A. Wilson Memorial Scholarship. Senator Drake (4/14/04).

PRESENTATION OF VISITORS

The Chair welcomed the following visitors who were present in the Senate gallery:

Students and teachers from Manson Northwest Webster Community Schools. Senator Beall.

Honor students from Evans Middle School in Ottumwa. Senator Kreiman.

Jason Knipper and Karl Bierman from Beckman High School, who are at the Capitol visiting their friend Matt Kronlage, a Senate page.

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 13, 2004, 3:30 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 165, 166, 167, 168, 169, and 170, and SF 2306.

Adjourned: 3:35 p.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 165

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 166

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 167

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 168

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 169

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 170

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2306

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2572

WAYS AND MEANS: Rehberg, Chair; Dotzler and McKinley

FINAL COMMITTEE REPORT OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE FILE 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RECONVENED

The Senate reconvened at 3:43 p.m., Senator Sievers presiding.

BUSINESS PENDING

Senate File 2305

The Senate resumed consideration of **Senate File 2305**, a bill for an act relating to Iowa individual income tax checkoffs, providing an income tax checkoff for volunteer fire fighter preparedness, providing an income tax checkoff for the keep Iowa beautiful fund, relating to the limitation on income tax checkoffs, and including effective and retroactive applicability date provisions, and amendment S-5313, previously deferred.

Senator Lundby asked and received unanimous consent that action on amendment S-5313 be deferred.

Senator Fraise offered amendment S-5307, filed by him on April 12, 2004, to pages 3, 4, and to the title page of the bill.

Senator Fraise withdrew amendment S-5307.

The Senate resumed consideration of amendment S-5313, previously deferred.

Senator Lundby moved the adoption of amendment S-5313.

A nonrecord roll call was requested.

The ayes were 22, nays 25.

Amendment S-5313 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. 2305), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

Senate File 2229

On motion of Senator Schuerer, **Senate File 2229**, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation, placed on the Unfinished Business Calendar on March 25, 2004, was taken up for consideration.

Senator Schuerer offered amendment S-5287, filed by him on April 6, 2004, striking and replacing everything after the enacting clause of the bill, and moved its adoption.

Amendment S-5287 was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that **House File 2554** be **substituted** for **Senate File 2229**.

House File 2554

On motion of Senator Schuerer, **House File 2554**, a bill for an act relating to the establishment of a prescription drug assistance program by the commissioner of insurance, and providing for a contingent appropriation, 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. 2554), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

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 2229** be **withdrawn** from further consideration of the Senate.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Boettger asked and received unanimous consent to take up for consideration House File 2568.

House File 2568

On motion of Senator Wieck, **House File 2568**, a bill for an act relating to individual health insurance program modification; restructuring and modification of eligibility, benefits, tax offsets, and other terms related to the operation of the Iowa comprehensive health insurance association; phaseout of guaranteed basic and standard individual insurance plans; and coverage of federal Trade Adjustment Act recipients under the Iowa comprehensive health insurance Act; and providing effective dates, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2568), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 **Senate File 2305** and **House Files 2554, 2567, and 2568** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2390

On motion of Senator Veenstra, **House File 2390**, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Veenstra withdrew amendment S-5320, filed by him from the floor to pages 1-4 and to the title page of the bill.

With the withdrawal of amendment S-5320, the Chair ruled amendment S-5326, filed by Senator Veenstra from the floor to page 8 of the bill, out of order.

Senator Veenstra offered amendment S-5340, filed by him from the floor to pages 1 and 2 of the bill.

Senator Kreiman asked and received unanimous consent that action on amendment S-5340 and **House File 2390** be **deferred**.

UNFINISHED BUSINESS

House File 593

On motion of Senator Tinsman, **House File 593**, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the

requirement that judges' names be rotated on certain ballots, removing certain authority to sign voter registration forms on behalf of the registrant, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening hours and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes, placed on the Unfinished Business Calendar on April 17, 2003, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Zieman asked and received unanimous consent to withdraw amendment S-3162, filed by the committee on State Government on April 8, 2003, to page 6 and to the title page of the bill.

With the withdrawal of amendment S-3162, the Chair ruled the following amendments out of order:

S-3170, filed by Senator Kibbie, et al., on April 8, 2003, to pages 1, 2, and 6 of amendment S-3162; and

S-3261, filed by Senator Zieman on April 21, 2003, to page 4 of amendment S-3162.

Senator Zieman offered amendment S-5298, filed by him on April 8, 2004, to pages 1, 3, and to the title page of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 26, nays 21.

Amendment S-5298 was adopted.

Senator Zieman offered amendment S-5299, filed by him on April 8, 2004, to pages 1 and 5 of the bill, and moved its adoption.

Amendment S-5299 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. 593), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | Warnstadt |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title, as amended, was agreed to.

President Lamberti took the chair at 4:58 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2304.

Senate File 2304

On motion of Senator Shull, **Senate File 2304**, a bill for an act relating to the delay in the reduction in the individual income tax rate schedule and providing for contingent effectiveness and retroactive applicability, was taken up for consideration.

Senator Shull offered amendment S-5314, filed by him from the floor to page 4 and to the title page of the bill, and moved its adoption.

Amendment S-5314 was adopted by a voice vote.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2304), the vote was:

Yeas, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dotzler | Holveck | Quirnbach |
| Black | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Seng |
| Courtney | Gronstal | Kreiman | Stewart |
| Dearden | Hatch | McCoy | Warnstadt |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 **Senate File 2304** and **House File 593** be **immediately messaged** to the House.

BUSINESS PENDING

House File 2562

The Senate resumed consideration of **House File 2562**, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision, and amendment S-5309, previously deferred.

Senator Shull moved the adoption of amendment S-5309, as amended.

Amendment S-5309 was adopted by a voice vote.

Senator Shull moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2562), the vote was:

Yeas, 43:

| | | | |
|------------|-----------|-----------|-----------|
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | Putney | Tinsman |
| Connolly | Hosch | Quirnbach | Veenstra |
| Dearden | Houser | Ragan | Ward |
| Dotzler | Iverson | Redfern | Warnstadt |
| Drake | Johnson | Rehberg | Wieck |
| Dvorsky | Kettering | Schuerer | Zieman |
| Fraise | Kibbie | Seng | |

Nays, 4:

Angelo

Courtney

Kreiman

McKinley

Absent, 3:

Bolkcom

Larson

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 2562** be **immediately messaged** to the House.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:28 p.m. until the completion of a meeting of the committee on Appropriations.

EVENING SESSION

The Senate reconvened at 6:01 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2289, a bill for an act relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

ALSO: That the House has on April 13, 2004, **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 2179, a bill for an act relating to ethics laws and the Iowa ethics and campaign disclosure board.

ALSO: That the House has on April 13, 2004, **amended and passed** the following bills in which the concurrence of the House was asked:

Senate File 2026, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program. (S-5322)

Senate File 2153, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster. (S-5333)

Senate File 2209, a bill for an act relating to the content of immunizations, and making a penalty applicable. (S-5334)

Senate File 2270, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder. (S-5335)

ALSO: That the House has on April 13, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Read first time and referred to committee on **Ways and Means**.

House File 2573, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Read first time and referred to committee on **Appropriations**.

The Senate stood at ease at 6:04 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 7:48 p.m., Senator Veenstra presiding.

QUORUM CALL

Senator Zieman requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 33 present, 17 absent, and a quorum present.

President Lamberti took the chair at 8:12 p.m.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2306.

Senate File 2306

On motion of Senator Iverson, **Senate File 2306**, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2306), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

Bolkcom

Larson

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 **Senate File 2306** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 2004, **failed to pass** the following bill in which the concurrence of the House was asked:

Senate File 2278, a bill for an act creating medical parole for certain persons committed to the custody of the department of corrections, and providing an effective date.

ALSO: That the House has on April 13, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2288, 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. (S-5358)

President Pro Tempore Angelo took the chair at 8:21 p.m.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2302.

House File 2302

On motion of Senator Zieman, **House File 2302**, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

Senator McKibben offered amendment S-5312, filed by the committee on Ways and Means on April 12, 2004, striking and replacing everything after the enacting clause and to the title page of the bill.

Senator Lamberti offered amendment S-5359, filed by him from the floor to page 1 of amendment S-5312, and moved its adoption.

Amendment S-5359 was adopted by a voice vote.

Senator McKibben offered amendment S-5351, filed by him from the floor to pages 4, 5, 17, and 26-29 of amendment S-5312, and moved its adoption.

Amendment S-5351 was adopted by a voice vote.

With the adoption of amendment S-5351, the Chair ruled amendment S-5331, filed by Senator McCoy from the floor to page 27 of amendment S-5312, out of order.

Senator Brunkhorst withdrew amendment S-5352, filed by him from the floor to pages 5 and 17 of amendment S-5312.

Senator McCoy asked and received unanimous consent to withdraw amendment S-5321, filed by Senators McCoy and Black from the floor to pages 6, 13, 20, and 29 of amendment S-5312.

Senator Lundby withdrew amendment S-5319, filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment S-5312.

Senator Lundby offered amendment S-5345, filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment S-5312, and moved its adoption.

Amendment S-5345 lost by a voice vote.

Senator Shull offered amendment S-5346, filed by him from the floor to pages 7 and 23 of amendment S-5312, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5346 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 24:

| | | | |
|------------|---------|---------|-----------|
| Beall | Dotzler | Hosch | McKinley |
| Black | Dvorsky | Houser | Quirnbach |
| Brunkhorst | Fraise | Kibbie | Ragan |
| Connolly | Hatch | Kreiman | Seng |
| Courtney | Holveck | Lundby | Shull |
| Dearden | Horn | McCoy | Stewart |

Nays, 23:

| | | | |
|----------|-----------|----------|-----------|
| Angelo | Iverson | Redfern | Veenstra |
| Behn | Johnson | Rehberg | Ward |
| Boettger | Kettering | Schuerer | Warnstadt |
| Drake | Lamberti | Seymour | Wieck |
| Gaskill | McKibben | Sievers | Zieman |
| Gronstal | Putney | Tinsman | |

Absent, 3:

Bolkcom

Larson

Miller

Amendment S-5346 was adopted.

Senator Seng offered amendment S-5338, filed by Senators Seng and Sievers from the floor to page 11 of amendment S-5312, and moved its adoption.

Amendment S-5338 was adopted by a voice vote.

Senator Angelo offered amendment S-5316, filed by Senators Angelo and Houser from the floor to page 12 of amendment S-5312, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 3, nays 30.

Amendment S-5316 lost.

Senator Angelo offered amendment S-5323, filed by him from the floor to page 13 of amendment S-5312, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 4, nays 34.

Amendment S-5323 lost.

Senator Angelo asked and received unanimous consent to withdraw amendment S-5339, filed by Senator Angelo, et al., from the floor to page 15 of amendment S-5312.

Senator Hatch offered amendment S-5348, filed by Senator Hatch, et al., from the floor to page 15 of amendment S-5312, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 27.

Amendment S-5348 lost.

Senator Lundby withdrew amendment S-5318, filed by her from the floor to page 15 of amendment S-5312.

Senator Angelo offered amendment S-5324, filed by him from the floor to page 15 of amendment S-5312.

Senator Angelo asked and received unanimous consent that action on amendment S-5324 be deferred.

Senator Hatch offered amendment S-5362, filed by him from the floor to page 13 of amendment S-5312, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5362 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Kreiman | Seng |
| Black | Fraise | Lamberti | Stewart |
| Connolly | Gronstal | Lundby | Ward |
| Courtney | Holveck | McCoy | Warnstadt |
| Dearden | Horn | Quirnbach | |
| Dotzler | Kibbie | Ragan | |

Nays, 25:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | Putney | Tinsman |
| Behn | Houser | Redfern | Veenstra |
| Boettger | Iverson | Rehberg | Wieck |
| Brunkhorst | Johnson | Schuerer | Zieman |
| Drake | Kettering | Seymour | |
| Gaskill | McKibben | Shull | |
| Hatch | McKinley | Sievers | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

Amendment S-5362 lost.

Senator Lundby offered amendment S-5347, filed by her from the floor to page 15 of amendment S-5312, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 14, nays 31.

Amendment S-5347 lost.

The Senate resumed consideration of amendment S-5324 to amendment S-5312, previously deferred.

Senator Angelo moved the adoption of amendment S-5324.

Amendment S-5324 lost by a voice vote.

Senator Johnson offered amendment S-5350, filed by Senators Johnson and Brunkhorst from the floor to page 15 of amendment S-5312.

Senator Johnson asked and received unanimous consent that action on amendment S-5350 be deferred.

Senator Houser offered amendment S-5353, filed by Senators Houser, Dvorsky, and Fraise from the floor to page 17 of amendment S-5312, and moved its adoption.

Amendment S-5353 lost by a voice vote.

Senator Brunkhorst offered amendment S-5343, filed by him from the floor to page 18 of amendment S-5312, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5343 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Yeas, 6:

Boettger
Brunkhorst

Dearden
Hatch

Holveck
Veenstra

Nays, 41:

| | | | |
|----------|-----------|-----------|-----------|
| Angelo | Gronstal | McCoy | Shull |
| Beall | Horn | McKibben | Sievers |
| Behn | Hosch | McKinley | Stewart |
| Black | Houser | Putney | Tinsman |
| Connolly | Iverson | Quirnbach | Ward |
| Courtney | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |
| Dvorsky | Kreiman | Schuerer | |
| Fraise | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

Amendment S-5343 lost.

Senator Dotzler offered amendment S-5337, filed by him from the floor to page 20 of amendment S-5312.

Senator Dotzler asked and received unanimous consent that action on amendment S-5337 be deferred.

Senator Zieman offered amendment S-5315, filed by him from the floor to page 25 of amendment S-5312, and moved its adoption.

Amendment S-5315 was adopted by a voice vote.

President Pro Tempore Angelo took the chair at 10:29 p.m.

Senator McCoy offered amendment S-5336, filed by him from the floor to page 25 of amendment S-5312, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5336 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Yeas, 3:

| | | |
|---------|-------|-------|
| Dearden | Hatch | McCoy |
|---------|-------|-------|

Nays, 44:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Holveck | McKibben | Sievers |
| Boettger | Horn | McKinley | Stewart |
| Brunkhorst | Hosch | Putney | Tinsman |
| Connolly | Houser | Quirmbach | Veenstra |
| Courtney | Iverson | Ragan | Ward |
| Dotzler | Johnson | Redfern | Warnstadt |
| Drake | Kettering | Rehberg | Wieck |
| Dvorsky | Kibbie | Schuerer | Zieman |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

Amendment S-5336 lost.

Senator McCoy withdrew amendment S-5330, filed by him from the floor to pages 25 and 29 of amendment S-5312.

Senator Lamberti offered amendment S-5354, filed by him from the floor to pages 28 and 29 of amendment S-5312, and moved its adoption.

Amendment S-5354 was adopted by a voice vote.

Senator Zieman asked and received unanimous consent to withdraw amendment S-5329, filed by Senators Zieman and Sievers from the floor to page 28 of amendment S-5312.

Senator McCoy withdrew amendment S-5341, filed by him from the floor to page 28 of amendment S-5312.

Senator McCoy withdrew amendment S-5332, filed by him from the floor to pages 28 and 29 of amendment S-5312.

With the failure of amendment S-5362 to amendment S-5312, the Chair ruled amendment S-5349, filed by Senator Hatch, et al., from the floor to page 28 of amendment S-5312, out of order.

Senator Brunkhorst withdrew amendment S-5360, filed by him from the floor to pages 5 and 17 of the bill.

President Lamberti took the chair at 10:56 p.m.

Senator Brunkhorst offered amendment S-5363, filed by Senator Brunkhorst, et al., from the floor to pages 6, 20, and 29 of amendment S-5312, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5363 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Yeas, 16:

| | | | |
|------------|---------|-----------|-----------|
| Behn | Drake | Johnson | Putney |
| Black | Hatch | Kettering | Quirmbach |
| Boettger | Holveck | Lundby | Rehberg |
| Brunkhorst | Hosch | McKinley | Veenstra |

Nays, 31:

| | | | |
|----------|----------|----------|-----------|
| Angelo | Gaskill | McCoy | Sievers |
| Beall | Gronstal | McKibben | Stewart |
| Connolly | Horn | Ragan | Tinsman |
| Courtney | Houser | Redfern | Ward |
| Dearden | Iverson | Schuerer | Warnstadt |
| Dotzler | Kibbie | Seng | Wieck |
| Dvorsky | Kreiman | Seymour | Zieman |
| Fraise | Lamberti | Shull | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

Amendment S-5363 lost.

Senator Lundby withdrew amendment S-5364, filed by her from the floor to pages 6, 12, 18, 19, and 23 of amendment S-5312.

Senator Angelo offered amendment S-5361, filed by Senator Angelo, et al., from the floor to page 15 of amendment S-5312, and moved its adoption.

Amendment S-5361 was adopted by a voice vote.

The Senate resumed consideration of amendment S-5350 to amendment S-5312, previously deferred.

Senator Johnson moved the adoption of amendment S-5350.

A record roll call was requested.

On the question "Shall amendment S-5350 to amendment S-5312 be adopted?" (H.F. 2302), the vote was:

Yeas, 9:

| | | |
|------------|---------|-----------|
| Behn | Dearden | Kettering |
| Boettger | Holveck | McKinley |
| Brunkhorst | Johnson | Veenstra |

Nays, 38:

| | | | |
|----------|----------|-----------|-----------|
| Angelo | Gronstal | McCoy | Shull |
| Beall | Hatch | McKibben | Sievers |
| Black | Horn | Putney | Stewart |
| Connolly | Hosch | Quirnbach | Tinsman |
| Courtney | Houser | Ragan | Ward |
| Dotzler | Iverson | Redfern | Warnstadt |
| Drake | Kibbie | Rehberg | Wieck |
| Dvorsky | Kreiman | Schuerer | Zieman |
| Fraise | Lamberti | Seng | |
| Gaskill | Lundby | Seymour | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

Amendment S-5350 lost.

The Senate resumed consideration of amendment S-5337 to amendment S-5312, previously deferred.

Senator Dotzler moved that adoption of amendment S-5337, which motion prevailed by a voice vote.

Senator McCoy offered amendment S-5365, filed by him from the floor to pages 13 and 15 of amendment S-5312, and moved its adoption.

Amendment S-5365 lost by a voice vote.

Senator Dearden called up the following motion to reconsider filed by him from the floor and moved its adoption:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5346 to amendment S-5312 to House File 2302 was adopted by the Senate on April 13, 2004.

The motion prevailed by a voice vote and amendment S-5346, by Senator Shull to pages 7 and 23 of amendment S-5312, was taken up for reconsideration.

President Pro Tempore Angelo took the chair at 12:01 a.m.

Senator Shull moved the adoption of amendment S-5346 to amendment S-5312.

Amendment S-5346 lost by a voice vote.

Senator Hatch withdrew the following motion to reconsider filed by him from the floor:

MR. PRESIDENT: I move to reconsider the vote by which amendment S-5362 to amendment S-5312 to House File 2302 failed to be adopted by the Senate on April 13, 2004.

President Lamberti took the chair at 12:11 a.m.

Senator McKibben moved the adoption of amendment S-5312, as amended.

Amendment S-5312 was adopted by a voice vote.

Senator Ziemann moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2302), the vote was:

Yeas, 39:

| | | | |
|----------|----------|----------|---------|
| Angelo | Gaskill | Lamberti | Seymour |
| Beall | Gronstal | Lundby | Shull |
| Behn | Hatch | McCoy | Sievers |
| Black | Horn | McKibben | Stewart |
| Boettger | Hosch | Putney | Tinsman |

| | | | |
|----------|-----------|-----------|-----------|
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Warnstadt |
| Dearden | Kettering | Redfern | Wieck |
| Dotzler | Kibbie | Schuerer | Zieman |
| Fraise | Kreiman | Seng | |

Nays, 8:

| | | | |
|------------|---------|----------|----------|
| Brunkhorst | Dvorsky | Johnson | Rehberg |
| Drake | Holveck | McKinley | Veenstra |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

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:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 13, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2462, a bill for an act directing the department of human services to implement child welfare diversion and mediation pilot projects.

House File 2484, a bill for an act relating to the regulation of financial institutions including banks, credit unions, and real property loan lenders.

House File 2489, a bill for an act relating to the regulation of various industries by the insurance division, including modifications related to the interstate insurance product regulation compact; investigations and penalties; procedures and contempt orders; insurance company investments; insurance producer licensing; individual health insurance programs; coverage obligations of the Iowa comprehensive health insurance association; coverage of federal Trade Adjustment Act recipients; penalties and discipline applicable to holders of establishment and sales permits for cemetery and

funeral merchandise and services; and providing and applying penalties.

House File 2562, a bill for an act relating to electrical and mechanical amusement devices that are required to be registered with the department of inspections and appeals, establishing fees, making an appropriation, making penalties applicable, and including an effective and retroactive applicability provision.

ALSO: That the House has on April 13, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

Read first time and referred to committee on **Ways and Means**.

ALSO: That the House has on April 14, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision. (S-5366)

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 12:38 a.m., Wednesday, April 14, until 8:30 a.m., Wednesday, April 14, 2004.

APPENDIX — 2**REPORT OF COMMITTEE MEETING****APPROPRIATIONS**

Convened: April 13, 2004, 5:35 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: Bolckom, Hatch, and Miller (all excused).

Committee Business: Passed HF's 2549 and 2555 (as amended).

Adjourned: 5:45 p.m.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 171, by Gaskill and Ragan, a resolution to recognize the soldiers of the 1133rd Transportation Company of the Iowa National Guard for their service and sacrifice in the Iraq conflict.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

Senate Resolution 172, by Warnstadt, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: HOUSE FILE 2549, a bill for an act relating to expenditures from the waste tire management fund.

Recommendation: DO PASS.

Final Vote: Ayes, 22: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Bolkcom, Hatch, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5356.

Final Vote: Ayes, 22: Angelo, Lamberti, Dvorsky, Behn, Black, Connolly, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman. Nays, none. Absent, 3: Bolkcom, Hatch, and Miller.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 165, a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 166, a resolution honoring the founding and growth of the American Mock Trial Association.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 167, a resolution honoring the town of Afton on its sesquicentennial anniversary year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 168, a resolution recognizing the year 2004 as a significant anniversary in the efforts to address polio and encouraging the continuation of the efforts so that polio can be successfully eradicated throughout the world.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 169, a resolution honoring the city of Hartley on its quasiquicentennial anniversary year.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 170, a resolution honoring Richard M. Calkins.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which House File 2302 passed the Senate on April 14, 2004.

STEWART E. IVERSON, JR.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of April, 2004:

Senate Files 2119, 2173, 2208, 2272, and 2279.

MICHAEL E. MARSHALL
Secretary of the Senate

BILL SIGNED BY THE GOVERNOR

A communication was received announcing that on April 13, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2044 – Concerning eligibility requirements for payment of a volunteer emergency services provider death benefit resulting from a heart attack or stroke.

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------------------------------|
| S-5313 | S.F. | 2305 | Mary A. Lundby Robert E. Dvorsky |
| S-5314 | S.F. | 2304 | Doug Shull |
| S-5315 | H.F. | 2302 | Mark Ziemann |
| S-5316 | H.F. | 2302 | Jeff Angelo Hubert Houser |
| S-5317 | H.F. | 2562 | Doug Shull |
| S-5318 | H.F. | 2302 | Mary A. Lundby |
| S-5319 | H.F. | 2302 | Mary A. Lundby |
| S-5320 | H.F. | 2390 | Ken Veenstra |
| S-5321 | H.F. | 2302 | Matt W. McCoy Dennis H. Black |
| S-5322 | S.F. | 2026 | House |
| S-5323 | H.F. | 2302 | Jeff Angelo |
| S-5324 | H.F. | 2302 | Jeff Angelo |
| S-5325 | H.F. | 2562 | Doug Shull |
| S-5326 | H.F. | 2390 | Ken Veenstra |
| S-5327 | H.F. | 2560 | Doug Shull |
| S-5328 | H.F. | 2521 | Ron Wieck |

| | | | |
|--------|------|------|---|
| S-5329 | H.F. | 2302 | Mark Ziemann Bryan J. Sievers |
| S-5330 | H.F. | 2302 | Matt W. McCoy |
| S-5331 | H.F. | 2302 | Matt W. McCoy |
| S-5332 | H.F. | 2302 | Matt W. McCoy |
| S-5333 | S.F. | 2153 | House |
| S-5334 | S.F. | 2209 | House |
| S-5335 | S.F. | 2270 | House |
| S-5336 | H.F. | 2302 | Matt W. McCoy |
| S-5337 | H.F. | 2302 | William A. Dotzler, Jr. |
| S-5338 | H.F. | 2302 | Joe Seng Bryan J. Sievers |
| S-5339 | H.F. | 2302 | Jeff Angelo Bryan J. Sievers Dennis H. Black Doug Shull |
| S-5340 | H.F. | 2390 | Ken Veenstra |
| S-5341 | H.F. | 2302 | Matt W. McCoy |
| S-5342 | S.F. | 2269 | John P. Kibbie |
| S-5343 | H.F. | 2302 | Bob Brunkhorst |
| S-5344 | H.F. | 2418 | Donald B. Redfern |
| S-5345 | H.F. | 2302 | Mary A. Lundby |
| S-5346 | H.F. | 2302 | Doug Shull |
| S-5347 | H.F. | 2302 | Mary A. Lundby |
| S-5348 | H.F. | 2302 | Jack Hatch Matt W. McCoy Dick L. Dearden Jack Holveck Dennis H. Black |
| S-5349 | H.F. | 2302 | Jack Hatch Matt W. McCoy Dennis H. Black Jeff Lamberti Jack Holveck Pat Ward |
| S-5350 | H.F. | 2302 | David Johnson Bob Brunkhorst |
| S-5351 | H.F. | 2302 | Larry McKibben |
| S-5352 | H.F. | 2302 | Bob Brunkhorst |

| | | | |
|--------|------|------|--|
| S-5353 | H.F. | 2302 | Hubert Houser Robert E. Dvorsky Gene Fraise |
| S-5354 | H.F. | 2302 | Jeff Lamberti |
| S-5355 | S.F. | 2269 | Dick L. Dearden Matt W. McCoy |
| S-5356 | H.F. | 2555 | Appropriations |
| S-5357 | H.F. | 2390 | Keith A. Kreiman Ken Veenstra David Johnson |
| S-5358 | S.F. | 2288 | House |
| S-5359 | H.F. | 2302 | Jeff Lamberti |
| S-5360 | H.F. | 2302 | Bob Brunkhorst |
| S-5361 | H.F. | 2302 | Jeff Angelo Neal Schuerer Dennis H. Black Doug Shull Bryan J. Sievers |
| S-5362 | H.F. | 2302 | Jack Hatch |
| S-5363 | H.F. | 2302 | Bob Brunkhorst David Johnson Kitty Rehberg Paul McKinley Ken Veenstra Julie Hosch Jack Holveck |
| S-5364 | H.F. | 2302 | Mary A. Lundby |
| S-5365 | H.F. | 2302 | Matt W. McCoy |
| S-5366 | S.F. | 2295 | House |

JOURNAL OF THE SENATE

NINETY-FOURTH CALENDAR DAY
FIFTY-FIFTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Wednesday, April 14, 2004

The Senate met in regular session at 8:38 a.m., Senator Johnson presiding.

Prayer was offered by the Reverend Robert E. Connors, pastor of the Union Park Christian Church in Des Moines, Iowa. He was the guest of Senator Holveck. Reverend Connors, brother of Representative John Connors, sang “The Lord’s Prayer” and “I Go To The Rock.”

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 161 and 162.

Senate Resolution 161

On motion of Senator Holveck, **Senate Resolution 161**, a resolution recognizing the achievements of the Urbandale Senior League All Star Team in winning the Central Regional Championship of the 2003 Senior League Baseball World Series, with report of committee recommending passage, was taken up for consideration.

Senator Holveck moved the adoption of Senate Resolution 161, which motion prevailed by a voice vote.

Senate Resolution 162

On motion of Senator Holveck, **Senate Resolution 162**, a resolution recognizing the achievements of the Urbandale Junior

League All Star Team in winning the Central Regional Championship of the 2003 Junior League Baseball World Series, with report of committee recommending passage, was taken up for consideration.

Senator Holveck moved the adoption of Senate Resolution 162, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Holveck welcomed to the Senate chamber coaches and members of the Urbandale Senior and Junior League All Star Teams.

Coach John Hoberg introduced the members of the Junior League.

Coach Mark Johnson introduced the members of the Senior League.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 166.

Senate Resolution 166

On motion of Senator Redfern, **Senate Resolution 166**, a resolution honoring the founding and growth of the American Mock Trial Association, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 166, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Redfern asked and received unanimous consent to take up for consideration Senate Resolution 170.

Senate Resolution 170

On motion of Senator Redfern, **Senate Resolution 170**, a resolution honoring Richard M. Calkins, with report of committee recommending passage, was taken up for consideration.

Senator Redfern moved the adoption of Senate Resolution 170, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator Redfern welcomed to the Senate chamber Mr. Richard M. Calkins and his wife Anita. Mr. Calkins addressed the Senate with brief remarks.

The Senate rose and expressed its welcome.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 167.

Senate Resolution 167

On motion of Senator Angelo, **Senate Resolution 167**, a resolution honoring the town of Afton on its sesquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator Angelo moved the adoption of Senate Resolution 167, which motion prevailed by a voice vote.

President Lamberti took the chair at 9:20 a.m.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 168 and 169.

Senate Resolution 168

On motion of Senator Johnson, **Senate Resolution 168**, a resolution recognizing the year 2004 as a significant anniversary in the efforts to address polio and encouraging the continuation of the efforts so that polio can be successfully eradicated throughout the world, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 168, which motion prevailed by a voice vote.

Senate Resolution 169

On motion of Senator Johnson, **Senate Resolution 169**, a resolution honoring the city of Hartley on its quasiquicentennial anniversary year, with report of committee recommending passage, was taken up for consideration.

Senator Johnson moved the adoption of Senate Resolution 169, which motion prevailed by a voice vote.

The Senate stood at ease at 9:24 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:04 a.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTION

Senate Resolution 173, by Redfern, a resolution requesting the establishment of an interim committee to study and make recommendations related to the criminal offense of operating a motor vehicle while intoxicated.

Read first time and referred to committee on **Rules and Administration**.

HOUSE AMENDMENT CONSIDERED
(Deferred April 8, 2004)

Senate File 2269

The Senate resumed consideration of **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, and House amendment S-5292, deferred April 8, 2004.

Senator Dearden offered amendment S-5355, filed by Senators Dearden and McCoy on April 13, 2004, to page 1 of House amendment S-5292, and moved its adoption.

Amendment S-5355 was adopted by a voice vote.

Senator Kibbie offered amendment S-5342, filed by him on April 13, 2004, to pages 2-4 of House amendment S-5292.

(Action on amendment S-5342 to House amendment S-5292, House amendment S-5292, and Senate File 2269 was deferred.)

The Senate stood at ease at 11:08 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 11:50 a.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 11:51 a.m. until 1:30 p.m.

AFTERNOON SESSION

The Senate reconvened at 1:57 p.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Bolkcom, for the day, on request of Senator Stewart; Senator Miller, for the day, on request of Senator Iverson; Senator Lundby, until she returns, on request of Senator Iverson; and Senator McCoy, until he returns, on request of Senator Fraise.

BUSINESS PENDING

Senate File 2269

The Senate resumed consideration of **Senate File 2269**, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date, House amendment S-5292, and amendment S-5342 to House amendment S-5292, previously deferred.

Senator Kibbie withdrew amendment S-5342.

Senator Zieman offered amendment S-5367, filed by him from the floor to pages 2-4 of House amendment S-5292, and moved its adoption.

Amendment S-5367 was adopted by a voice vote.

Senator Zieman 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 Zieman 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2269), the vote was:

Yeas, 43:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Dvorsky | Kettering | Seng |
| Beall | Fraise | Kibbie | Seymour |
| Behn | Gaskill | Lamberti | Shull |
| Black | Gronstal | McKibben | Sievers |
| Boettger | Hatch | McKinley | Stewart |
| Brunkhorst | Holveck | Putney | Veenstra |
| Connolly | Horn | Quirnbach | Ward |
| Courtney | Hosch | Ragan | Warnstadt |
| Dearden | Houser | Redfern | Wieck |
| Dotzler | Iverson | Rehberg | Zieman |
| Drake | Johnson | Schuerer | |

Nays, 2:

| | |
|---------|---------|
| Kreiman | Tinsman |
|---------|---------|

Absent, 5:

| | | |
|---------|--------|--------|
| Bolkcom | Lundby | Miller |
| Larson | McCoy | |

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 13, 2004)

House File 2390

The Senate resumed consideration of **House File 2390**, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability, and amendment S-5340, deferred April 13, 2004.

Senator Kreiman offered amendment S-5357, filed by Senators Kreiman, Veenstra, and Johnson on April 13, 2004, to page 3 of amendment S-5340, and moved its adoption.

Amendment S-5357 was adopted by a voice vote.

Senator Veenstra moved the adoption of amendment S-5340, as amended.

Amendment S-5340 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. 2390), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Cannolly | Hosch | Quirmbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |
| Dvorsky | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|---------|--------|--------|--------|
| Bolkcom | Larson | Lundby | Miller |
|---------|--------|--------|--------|

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 2295

Senator Sievers called up for consideration **Senate File 2295**, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision, amended by the House in House amendment S-5366, filed April 14, 2004.

Senator Sievers offered amendment S-5368, filed by him from the floor to page 1 of House amendment S-5366, and moved its adoption.

Amendment S-5368 was adopted by a voice vote.

Senator Sievers 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 Sievers 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2295), the vote was:

Yeas, 37:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Horn | McKibben | Stewart |
| Beall | Hosch | McKinley | Tinsman |
| Behn | Houser | Putney | Veenstra |
| Black | Iverson | Redfern | Ward |
| Boettger | Johnson | Rehberg | Warnstadt |
| Brunkhorst | Kettering | Schuerer | Wieck |
| Connolly | Kibbie | Seng | Zieman |
| Drake | Lamberti | Seymour | |
| Fraise | Lundby | Shull | |
| Gaskill | McCoy | Sievers | |

Nays, 10:

| | | | |
|----------|----------|-----------|-------|
| Courtney | Dvorsky | Holveck | Ragan |
| Dearden | Gronstal | Kreiman | |
| Dotzler | Hatch | Quirnbach | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 **Senate Files 2269 and 2295** and **House File 2390** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2209

Senator Veenstra called up for consideration **Senate File 2209**, a bill for an act relating to the content of immunizations, and making a penalty applicable, amended by the House in House amendment S-5334, filed April 13, 2004.

Senator Veenstra 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 Veenstra moved that the bill, as amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2209), the vote was:

Yeas, 44:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Schuerer |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Hatch | Lundby | Shull |
| Black | Holveck | McCoy | Sievers |
| Boettger | Horn | McKibben | Stewart |
| Brunkhorst | Hosch | McKinley | Tinsman |
| Connolly | Houser | Putney | Veenstra |
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Johnson | Ragan | Warnstadt |
| Dotzler | Kettering | Redfern | Wieck |
| Drake | Kibbie | Rehberg | Zieman |

Nays, 3:

| | | |
|---------|----------|------|
| Dvorsky | Gronstal | Seng |
|---------|----------|------|

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 2270

Senator Sievers called up for consideration **Senate File 2270**, a bill for an act relating to county records, including the fees for recorded transactions and the confidentiality of veterans' military records maintained by the county recorder, amended by the House in House amendment S-5335, filed April 13, 2004.

Senator Sievers 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 Sievers 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2270), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 **Senate Files 2209** and **2270** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2153

Senator Dotzler called up for consideration **Senate File 2153**, a bill for an act relating to the funding of efforts to alleviate a public health emergency or disaster, amended by the House in House amendment S-5333, filed April 13, 2004.

Senator Dotzler 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 Dotzler 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2153), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

Bolkcom Larson 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 2288

Senator Seymour called up for consideration **Senate File 2288**, 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, amended by the House in House amendment S-5358, filed April 13, 2004.

Senator Seymour 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 Seymour 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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2288), the vote was:

Yeas, 47:

| | | | |
|------------|----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |

| | | | |
|---------|-----------|----------|--------|
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 2026

Senator Hosch called up for consideration **Senate File 2026**, a bill for an act relating to the reduction of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers and the setting aside of sales and use tax revenues for an alternative energy program, amended by the House in House amendment S-5322, filed April 13, 2004.

Senator Hosch 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 Hosch 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 voice vote, and the bill was read the last time.

On the question “Shall the bill pass?” (S.F. 2026), the vote was:

Yeas, 47:

| | | | |
|------------|----------|----------|---------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |

| | | | |
|----------|-----------|-----------|-----------|
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 **Senate Files 2026, 2153, and 2288** be **immediately messaged** to the House.

UNFINISHED BUSINESS

House File 2418

On motion of Senator Redfern, **House File 2418**, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Connolly withdrew amendment S-5167, filed by him on March 29, 2004, to page 1 and to the title page of the bill.

Senator Redfern offered amendment S-5344, filed by him on April 13, 2004, to page 1 of the bill, and moved its adoption.

Amendment S-5344 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?" (H.F. 2418), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

Senator Sievers took the chair at 3:47 p.m.

CONSIDERATION OF BILLS (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Files 2549 and 2555.

House File 2549

On motion of Senator Black, **House File 2549**, a bill for an act relating to expenditures from the waste tire management fund, 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. 2549), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2555

On motion of Senator Tinsman, **House File 2555**, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Tinsman offered amendment S-5356, filed by the committee on Appropriations on April 13, 2004, to pages 2 and 3 of the bill, and moved its adoption.

Amendment S-5356 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. 2555), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 Files 2418, 2549, and 2555** 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 2514.

House File 2514

On motion of Senator Dvorsky, **House File 2514**, a bill for an act relating to a pilot project for dementia-specific care alternatives, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2514), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 Iverson asked and received unanimous consent to take up for consideration House Files 2561 and 2569.

House File 2561

On motion of Senator Dotzler, **House File 2561**, a bill for an act creating a job corps center new jobs tax credit and providing effective and retroactive applicability dates, with report of committee recommending passage, was taken up for consideration.

Senator Dotzler moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2561), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 2569

On motion of Senator Stewart, **House File 2569**, a bill for an act establishing a county enforcement surcharge for citations issued by the county sheriff, with report of committee recommending passage, was taken up for consideration.

Senator Stewart moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2569), the vote was:

Yeas, 37:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Fraise | Kreiman | Shull |
| Beall | Gaskill | Lundby | Stewart |
| Behn | Gronstal | McCoy | Tinsman |
| Black | Hatch | McKinley | Veenstra |
| Boettger | Horn | Putney | Warnstadt |
| Brunkhorst | Hosch | Ragan | Wieck |
| Connolly | Houser | Redfern | Zieman |
| Dotzler | Johnson | Rehberg | |
| Drake | Kettering | Seng | |
| Dvorsky | Kibbie | Seymour | |

Nays, 10:

| | | | |
|----------|----------|-----------|------|
| Courtney | Iverson | Quirnbach | Ward |
| Dearden | Lamberti | Schuerer | |
| Holveck | McKibben | Sievers | |

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | 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 Files 2514, 2561, and 2569** be **immediately messaged** to the House.

INTRODUCTION OF BILL

Senate File 2307, by committee on Ways and Means, 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 **placed on Ways and Means calendar**.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2004, **concurred** in the Senate amendment to the House amendment, **and passed** the following bills in which the concurrence of the House was asked:

Senate File 443, a bill for an act relating to criteria for community-based seed capital funds and providing retroactive applicability dates.

Senate File 2282, a bill for an act requiring a comprehensive study of the archaeological and paleontological significance and the significance of the flora and fauna of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills and of other various uses of the loess hills, and providing a contingent effective date.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2572, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Bolkcom and Miller.

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 2572.

House File 2572

On motion of Senator Rehberg, **House File 2572**, a bill for an act relating to the procedures and duties of the clerk of the district court and the judicial branch, and providing for a fee, 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. 2572), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Cannolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, none.

Absent, 3:

| | | |
|---------|--------|--------|
| Bolkcom | Larson | Miller |
|---------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: *SENATE FILE 2307 (SSB 3176), a bill for an act providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Putney, Rehberg, Seng, Sievers, and Wieck. Nays, 5: Connolly, Dotzler, McCoy, Quirmbach, and Stewart. Absent, 2: Bolcom 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 Ways and Means Committee on Senate File 2307, and they were attached to the committee report.

CONSIDERATION OF BILL (Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2307.

Senate File 2307

On motion of Senator Angelo, **Senate File 2307**, 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 Quirmbach offered amendment S-5369, filed by him from the floor striking and replacing everything after the enacting clause of the bill.

The Senate stood at ease at 4:45 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 5:06 p.m., Senator Boettger presiding.

Senator Quirmbach asked and received unanimous consent that action on amendment S-5369 be deferred.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Hatch, for the remainder of the day, on request of Senator Gronstal.

BUSINESS PENDING

Senate File 2307

The Senate resumed consideration of Senate File 2307.

Senator Gronstal offered amendment S-5370, filed by Senator Gronstal, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5370 be adopted?" (S.F. 2307), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Drake | Kibbie | Seng |
| Black | Dvorsky | Kreiman | Stewart |
| Connolly | Fraise | Lundby | Warnstadt |
| Courtney | Gronstal | McCoy | |
| Dearden | Holveck | Quirnbach | |
| Dotzler | Horn | Ragan | |

Nays, 25:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Redfern | Veenstra |
| Behn | Johnson | Rehberg | Ward |
| Boettger | Kettering | Schuerer | Wieck |
| Brunkhorst | Lamberti | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | McKinley | Sievers | |
| Houser | Putney | Tinsman | |

Absent, 4:

| | | | |
|---------|-------|--------|--------|
| Bolkcom | Hatch | Larson | Miller |
|---------|-------|--------|--------|

Amendment S-5370 lost.

The Senate resumed consideration of amendment S-5369, previously deferred.

Senator Quirmbach moved the adoption of amendment S-5369.

A record roll call was requested.

On the question "Shall amendment S-5369 be adopted?" (S.F. 2307), the vote was:

Yeas, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Connolly | Fraise | Kreiman | Stewart |
| Courtney | Gronstal | McCoy | Warnstadt |
| Dearden | Holveck | Quirmbach | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 4:

| | | | |
|---------|-------|--------|--------|
| Bolkcom | Hatch | Larson | Miller |
|---------|-------|--------|--------|

Amendment S-5369 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. 2307), the vote was:

Yeas, 31:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Hosch | McKibben | Shull |
| Behn | Houser | McKinley | Sievers |
| Black | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Kibbie | Schuerer | Wieck |
| Gaskill | Lamberti | Seng | Zieman |
| Horn | Lundby | Seymour | |

Nays, 15:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Holveck | Ragan |
| Connolly | Dvorsky | Kreiman | Stewart |
| Courtney | Fraise | McCoy | Warnstadt |
| Dearden | Gronstal | Quirmbach | |

Absent, 4:

| | | | |
|---------|-------|--------|--------|
| Bolkcom | Hatch | Larson | Miller |
|---------|-------|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

RECESS

On motion of Senator Iverson, the Senate recessed at 6:00 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 6:05 p.m., Senator Boettger presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Bill Title: HOUSE FILE 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 15: McKibben, Shull, Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Quirmbach, Rehberg, Seng, Sievers, Stewart, and Wieck. Nays, none. Absent, 2: Bolkcom and Miller.

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 2574.

House File 2574

On motion of Senator McKinley, **House File 2574**, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions, with report of committee recommending passage, was taken up for consideration.

Senator McKinley offered amendment S-5371, filed by him from the floor to pages 9-11 and 19 of the bill, and moved its adoption.

Amendment S-5371 was adopted by a voice vote.

Senator Sievers offered amendment S-5373, filed by him from the floor to pages 3-5 of the bill, and moved its adoption.

Amendment S-5373 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. 2574), the vote was:

Yeas, 45:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Fraise | Lamberti | Seymour |
| Beall | Gaskill | Lundby | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Holveck | McKibben | Stewart |
| Boettger | Horn | McKinley | Tinsman |
| Brunkhorst | Hosch | Putney | Veenstra |
| Connolly | Houser | Quirnbach | Ward |
| Courtney | Iverson | Ragan | Wieck |
| Dearden | Johnson | Redfern | Zieman |

| | | |
|---------|-----------|----------|
| Dotzler | Kettering | Rehberg |
| Drake | Kibbie | Schuerer |
| Dvorsky | Kreiman | Seng |

Nays, 1:

Warnstadt

Absent, 4:

| | | | |
|---------|-------|--------|--------|
| Bolkcom | Hatch | Larson | 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 **Senate File 2307** and **House Files 2572** and **2574** be **immediately messaged** to the House.

President Lamberti took the chair at 6:19 p.m.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 147.

Senate Resolution 147

On motion of Senator McKibben, **Senate Resolution 147**, a resolution requesting the congressional delegation of the State of Iowa to work to make the federal tax cuts permanent, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5372, filed by him 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-5372 be adopted?" (S.R. 147), the vote was:

Yeas, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Connolly | Fraise | Kreiman | Stewart |
| Courtney | Gronstal | McCoy | Warnstadt |
| Dearden | Holveck | Quirmbach | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 4:

| | | | |
|---------|-------|--------|--------|
| Bolkcom | Hatch | Larson | Miller |
|---------|-------|--------|--------|

Amendment S-5372 lost.

Senator Boettger took the chair at 6:51 p.m.

Senator McKibben moved the adoption of Senate Resolution 147, which motion prevailed by a voice vote.

MOTION TO RECONSIDER WITHDRAWN

House File 2302

Senator Iverson withdrew the motion to reconsider **House File 2302**, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, filed by him on April 14, 2004, and found on page 1072 of the Senate Journal.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2302** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2004, **concurred** in the Senate amendment **and passed** the following bill in which the concurrence of the House was asked:

Senate File 2269, a bill for an act relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making changes related to absentee voting, providing penalties, and providing an effective date.

ALSO: That the House has on April 14, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2579, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

Read first time and referred to committee on **Ways and Means**.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 7:31 p.m. until 8:30 a.m., Thursday, April 15, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Haley Beyer, Burlington—For receiving the Wilber C. Peterson Scholarship at the University of Iowa School of Journalism and Mass Communication. Senator Courtney (4/14/04).

Nick Ruhter, Dubuque—For achieving the rank of Eagle Scout, Boy Scout Troop 48. Senator Connolly (5/1/04).

Tyrisha Weekley, Waterloo—For being a young leader in training. Senator Redfern (4/14/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 14, 2004, 6:00 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SRs 171 and 172.

Adjourned: 6:05 p.m.

WAYS AND MEANS

Convened: April 14, 2004, 12:45 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Angelo, Connolly, Dotzler, Hosch, McCoy, McKinley, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Bolkom, Ranking Member; and Miller (both excused).

Committee Business: Passed HF's 2572 and 2574 and approved SSB 3176.

Adjourned: 1:40 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 174, by Houser and Schuerer, a resolution requesting the establishment of a renewable energy interim committee.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

STUDY BILLS RECEIVED

SSB 3176 Ways and Means

Providing for the establishment of the state percent of growth for purposes of the state school foundation program, and providing an applicability date.

SSB 3177 Appropriations

Relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

SSB 3178 Appropriations

Relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, and primary road fund, and making related and corrective changes and providing effective dates.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 171

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 172

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 173

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House File 2573

APPROPRIATIONS: Gaskill, Chair; Angelo and Seng

House File 2574

WAYS AND MEANS: McKinley, Chair; McKibben and Seng

SSB 3164
(Reassignment)

WAYS AND MEANS: Wieck, Chair; Rehberg and Seng

SSB 3176

WAYS AND MEANS: Angelo, Chair; Putney and Stewart

SSB 3177

APPROPRIATIONS: Houser, Chair; Dvorsky and Lamberti

SSB 3178

APPROPRIATIONS: McKibben, Chair; Lamberti and Warnstadt

FINAL COMMITTEE REPORTS OF BILL ACTION**RULES AND ADMINISTRATION**

Bill Title: SENATE RESOLUTION 171, a resolution to recognize the soldiers of the 1133rd Transportation Company of the Iowa National Guard for their service and sacrifice in the Iraq conflict.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 172, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 14, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 371 – Relating to formatting standards for recording documents or instruments by a county recorder, specifying a recording fee for certain documents or instruments, and providing an effective date.

S.F. 2213 – Regarding the revocation of fishing and hunting licenses by the department of natural resources for nonpayment of the license fee.

S.F. 2266 – Relating to landlord disclosure requirements regarding the environmental status of rental property.

S.F. 2284 – Relating to the establishment of a regional transit district within the unincorporated areas of certain counties and within certain cities, requiring creation of a regional transit district commission, authorizing the voluntary imposition of a regional transit property tax levy, and providing for the issuance of general obligation bonds and revenue bonds.

S.F. 2296 – Relating to the policy administration of the tax and related laws by the department of revenue, including administration of and substantive changes to the state individual income, corporate income, sales, use, property, inheritance, motor fuel, special fuel, cigarette, and tobacco taxes and including penalties.

CONFERENCE COMMITTEE REPORT RECEIVED

House File 2434

A conference committee report, signed by the following Senate and House members, was filed April 14, 2004, on **House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system:

On the part of the Senate:

JOHN PUTNEY, Chair
DARYL BEALL
GENE FRAISE
DOUG SHULL
RON WIECK

On the part of the House:

DAVE TJEPKES, Chair
CLEL BAUDLER
LISA HEDDENS
RALPH KLEMME
BRIAN QUIRK

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------------------|
| S-5367 | S.F. | 2269 | Mark Ziemann |
| S-5368 | S.F. | 2295 | Bryan J. Sievers |
| S-5369 | S.F. | 2307 | Herman C. Quirnbach |
| S-5370 | S.F. | 2307 | Michael E. Gronstal |
| | | | Daryl Beall |
| | | | Dennis H. Black |
| | | | Mike Connolly |
| | | | Thomas G. Courtney |
| | | | Dick L. Dearden |
| | | | William A. Dotzler, Jr. |
| | | | Robert E. Dvorsky |
| | | | Gene Fraise |
| | | | Jack Hatch |
| | | | Jack Holveck |
| | | | Wally E. Horn |
| | | | John P. Kibbie |
| | | | Keith A. Kreiman |
| | | | Matt W. McCoy |
| | | | Herman C. Quirnbach |
| | | | Amanda Ragan |
| | | | Joe M. Seng |
| | | | Roger Stewart |
| | | | Steve Warnstadt |
| S-5371 | H.F. | 2574 | Paul McKinley |
| S-5372 | S.R. | 147 | Keith A. Kreiman |
| S-5373 | H.F. | 2574 | Bryan J. Sievers |

JOURNAL OF THE SENATE

NINETY-FIFTH CALENDAR DAY
FIFTY-SIXTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, April 15, 2004

The Senate met in regular session at 8:35 a.m., President Lamberti presiding.

Prayer was offered by the Reverend Ron Burcham, pastor of the Gloria Dei Lutheran Church in Urbandale, Iowa. The Godz Guys, a men's quartet from Urbandale, vocally performed "The Lord's Prayer." They were the guests of Senator Holveck.

The Journals of Tuesday, April 13, 2004, and Wednesday, April 14, 2004, were approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2004, **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 2295, a bill for an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

ALSO: That the House has on April 14, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2577, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

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 consideration Senate Resolution 165.

Senate Resolution 165

On motion of Senator Houser, **Senate Resolution 165**, a resolution recognizing the retirement of Dr. William Campbell and his many accomplishments on behalf of Iowans with disabilities, with report of committee recommending passage, was taken up for consideration.

Senator Houser moved the adoption of Senate Resolution 165, which motion prevailed by a voice vote.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Miller, for the day, on request of Senator Iverson; Senator Redfern, until he arrives, on request of Senator Iverson; and Senator Courtney, until he arrives, on request of Senator Kibbie.

CONFIRMATION OF GOVERNOR'S APPOINTMENT

In accordance with Senate Rule 59, Senator Iverson called up the following eligible appointee on the En Bloc Confirmation Calendar:

Lance Clemens, Board of Social Work Examiners

Senator Iverson moved that the foregoing appointee be confirmed by the Senate.

On the question "Shall the appointee be confirmed?" the vote was:

Yeas, 46:

| | | | |
|----------|----------|----------|---------|
| Angelo | Fraise | Kreiman | Seymour |
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | Lundby | Sievers |
| Black | Hatch | McCoy | Stewart |
| Boettger | Holveck | McKibben | Tinsman |

| | | | |
|------------|-----------|-----------|-----------|
| Bolkcom | Horn | McKinley | Veenstra |
| Brunkhorst | Hosch | Putney | Ward |
| Connolly | Houser | Quirmbach | Warnstadt |
| Dearden | Iverson | Ragan | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |
| Dvorsky | Kibbie | Seng | |

Nays, none.

Absent, 4:

| | | | |
|----------|--------|--------|---------|
| Courtney | Larson | Miller | Redfern |
|----------|--------|--------|---------|

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 9:21 a.m. until 1:00 p.m.

AFTERNOON SESSION

The Senate reconvened at 2:45 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2004, **adopted** the following resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution 105, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

Read first time and referred to committee on **Rules and Administration**.

ALSO: That the House has on April 15, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2571, a bill for an act relating to agriculture by providing for reporting requirements.

Read first time and referred to committee on **Government Oversight**.

RECESS

On motion of Senator Iverson, the Senate recessed at 2:50 p.m. until 3:30 p.m.

APPENDIX — 1**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

April 14, 2004

OFFICE OF CITIZENS' AIDE/OMBUDSMAN

Annual report of the Office of Citizens' Aide/Ombudsman for the calendar year 2003—notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Marione Boller, Waterloo—For celebrating your 90th birthday on April 15, 2004. Senator Dotzler (4/15/04).

Margarite Bowers, Waterloo—For celebrating your 90th birthday on April 15, 2004. Senator Dotzler (4/15/04).

Sam Connet, Des Moines—For being named Outstanding Speaker in the category of Reviewing at the Iowa High School Speech Association All-State Festival. Senator Holveck (4/15/04).

Trudy Elbert, Spencer—For 30 years of educational excellence at the Spencer Middle School library. Senator Johnson (4/15/04).

Darrel R. Gaskill, Marshalltown—For your Floral Basket Project in Marshalltown. Senator McKibben (4/15/04).

Danielle Plogmann, Toledo—For being awarded the Laurence Fairall Scholarship. Senator Putney (4/2/04).

Jessica Reese, Gladbrook—For being awarded the Laurence Fairall Scholarship. Senator Putney (4/2/04).

Martin Rehborg, Harris—For celebrating your 100th birthday on April 16, 2004. Senator Johnson (4/16/04).

Jennifer Slocum, Burlington—For participation in Moot Court Competition, Iowa College of Law. Senator Courtney (4/15/04).

Megan Wischmeier, Burlington—For participation in Moot Court Competition, Iowa College of Law. Senator Courtney (4/15/04).

REPORTS OF COMMITTEE MEETINGS

GOVERNMENT OVERSIGHT

Convened: April 15, 2004, 2:50 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky, and Wieck.

Members Absent: None.

Committee Business: Passed HF 2571.

Adjourned: 2:55 p.m.

WAYS AND MEANS

Convened: April 15, 2004, 2:05 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolcom, Ranking Member; Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck.

Members Absent: Angelo, McCoy, Miller, Quirnbach, and Sievers (all excused).

Committee Business: Passed HF 2579.

Adjourned: 2:10 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 175, by Houser, Schuerer, and Beall, a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

House File 2577

APPROPRIATIONS: Houser, Chair; Hatch and Lamberti

House File 2579

WAYS AND MEANS: Rehberg, Chair; Dotzler and Shull

FINAL COMMITTEE REPORTS OF BILL ACTION**APPROPRIATIONS**

Bill Title: HOUSE FILE 2573, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable.

Recommendation: DO PASS.

Final Vote: Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemán. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 2577, a bill for an act relating to and making appropriations from the healthy lowans tobacco trust and the tobacco settlement trust fund and providing an effective date.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-5376.

Final Vote: Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemán. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNMENT OVERSIGHT

Bill Title: HOUSE FILE 2571, a bill for an act relating to agriculture by providing for reporting requirements.

Recommendation: DO PASS.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

WAYS AND MEANS

Bill Title: HOUSE FILE 2579, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages.

Recommendation: DO PASS.

Final Vote: Ayes, 12: McKibben, Shull, Bolkcom, Connolly, Dotzler, Hosch, McKinley, Putney, Rehberg, Seng, Stewart, and Wieck. Nays, none. Absent, 5: Angelo, McCoy, Miller, Quirnbach, and Sievers.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 15th day of April, 2004:

Senate File 2269.

MICHAEL E. MARSHALL
Secretary of the Senate

RECONVENED

The Senate reconvened at 3:45 p.m., President Lamberti presiding.

QUORUM CALL

Senator Brunkhorst requested a nonrecord roll call to determine that a quorum was present.

The vote revealed 41 present, 9 absent, and a quorum present.

CONSIDERATION OF BILL
(Ways and Means Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2579.

House File 2579

On motion of Senator Rehberg, **House File 2579**, a bill for an act relating to disposition of an award of damages in a condemnation proceeding pending appeal of the award to district court and the award of interest earned on the damages, 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. 2579), the vote was:

Yeas, 48:

| | | | |
|------------|----------|-----------|----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |

| | | | |
|---------|-----------|---------|-----------|
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

| | |
|--------|--------|
| Larson | Miller |
|--------|--------|

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:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2004, **adopted** the conference committee report **and passed House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system.

CONFERENCE COMMITTEE REPORT CONSIDERED

House File 2434

Senator Putney called up the conference committee report on **House File 2434**, a bill for an act to update and modify the enhanced 911 emergency telephone communications system, filed on April 14, 2004, and moved its adoption.

A record roll call was requested.

On the question "Shall the conference committee report be adopted?" (H.F. 2434), the vote was:

Rule 23, requiring all senators present to vote except those who express a conflict of interest, was invoked.

Yeas, 21:

| | | | |
|------------|---------|----------|----------|
| Angelo | Hosch | Lundby | Veenstra |
| Beall | Houser | Putney | Ward |
| Behn | Iverson | Redfern | Wieck |
| Brunkhorst | Johnson | Schuerer | |

| | | |
|--------|-----------|---------|
| Drake | Kettering | Seymour |
| Fraise | Lamberti | Shull |

Nays, 27:

| | | | |
|----------|----------|-----------|-----------|
| Black | Dvorsky | Kreiman | Seng |
| Boettger | Gaskill | McCoy | Sievers |
| Bolkcom | Gronstal | McKibben | Stewart |
| Connolly | Hatch | McKinley | Tinsman |
| Courtney | Holveck | Quirnbach | Warnstadt |
| Dearden | Horn | Ragan | Zieman |
| Dotzler | Kibbie | Rehberg | |

Absent, 2:

| | |
|--------|--------|
| Larson | Miller |
|--------|--------|

The motion lost, and the conference committee report, and the recommendations and amendments contained therein, **failed** to be adopted.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2573.

House File 2573

On motion of Senator Gaskill, **House File 2573**, a bill for an act regulating animal health by the department of agriculture and land stewardship, making an appropriation, and making penalties applicable, with report of committee recommending passage, was taken up for consideration.

Senator Gaskill moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2573), the vote was:

Yeas, 48:

| | | | |
|--------|---------|---------|----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |

| | | | |
|------------|-----------|-----------|-----------|
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson 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 Files 2573** and **2579** be **immediately messaged** to the House.

CONSIDERATION OF RESOLUTIONS (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolutions 171 and 172.

Senate Resolution 171

On motion of Senator Ragan, **Senate Resolution 171**, a resolution to recognize the soldiers of the 1133rd Transportation Company of the Iowa National Guard for their service and sacrifice in the Iraq conflict, with report of committee recommending passage, was taken up for consideration.

Senator Ragan moved the adoption of Senate Resolution 171, which motion prevailed by a voice vote.

Senate Resolution 172

On motion of Senator Warnstadt, **Senate Resolution 172**, a resolution honoring the Sioux City North High School Jazz Band for receiving first place in the Class 4A High School Jazz Band Championship, with report of committee recommending passage, was taken up for consideration.

Senator Warnstadt moved the adoption of Senate Resolution 172, which motion prevailed by a voice vote.

The Senate stood at ease at 4:48 p.m. until the fall of the gavel.

The Senate resumed session at 5:20 p.m., President Lamberti presiding.

INTRODUCTION OF BILL

Senate File 2308, by Iverson and Gronstal, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Iverson, the Senate recessed at 5:21 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 5:25 p.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2275, a bill for an act relating to criminal sentencing practice and procedure. (S-5378)

ALSO: That the House has on April 15, 2004, **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 2574, a bill for an act relating to the technical administration of the tax and related laws by the department of revenue, including administration of state individual income, corporate income, insurance premiums, sales, use, property, motor fuel, special fuel, cigarette, and tobacco taxes, and making penalties applicable and including effective date and retroactive applicability date provisions. (S-5377)

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 250.

House File 250

On motion of Senator Ward, **House File 250**, a bill for an act relating to the criminal penalties for an assault on members of certain occupations, with report of committee recommending passage, was taken up for consideration.

Senator Ward moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 250), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson Miller

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

UNFINISHED BUSINESS

House File 2231

On motion of Senator Redfern, **House File 2231**, a bill for an act relating to the release of sex offender registry records, and providing an effective date, placed on the Unfinished Business Calendar on April 1, 2004, with report of committee recommending passage, was taken up for consideration.

Senator Redfern offered amendment S-5296, filed by him on April 7, 2004, to page 1 of the bill.

Senator Kreiman offered amendment S-5304, filed by him on April 12, 2004, to page 1 of amendment S-5296.

Senator Kreiman withdrew amendment S-5304.

Senator Kreiman offered amendment S-5311, filed by him on April 12, 2004, to page 1 of amendment S-5296, and moved its adoption.

Amendment S-5311 was adopted by a voice vote.

Senator Redfern moved the adoption of amendment S-5296, as amended.

Amendment S-5296 was adopted by a voice vote.

Senator Redfern asked and received unanimous consent to withdraw amendment S-5265, filed by Senator Miller on April 5, 2004, to page 2 of the bill.

Senator Redfern moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2231), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

Larson 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 Files 250** and **2231** be **immediately messaged** to the House.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: HOUSE CONCURRENT RESOLUTION 105, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House Concurrent Resolution 105.

House Concurrent Resolution 105

On motion of Senator Boettger, **House Concurrent Resolution 105**, a concurrent resolution concerning the Midwestern Legislative Conference of the Council of State Governments, with report of committee recommending passage, was taken up for consideration.

Senator Boettger moved the adoption of House Concurrent Resolution 105, which motion prevailed by a voice vote.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 175, a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 175.

Senate Resolution 175

On motion of Senator Houser, **Senate Resolution 175**, a resolution requesting the establishment of an interim study committee to examine issues relating to renewable energy, with report of committee recommending passage, was taken up for consideration.

Senator Boettger took the chair at 5:55 p.m.

Senator Houser moved the adoption of Senate Resolution 175, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTIONS
(Regular Calendar)

Senator Veenstra asked and received unanimous consent to take up for consideration Senate Resolutions 116 and 125.

Senate Resolution 116

On motion of Senator Dvorsky, **Senate Resolution 116**, a resolution honoring the Iowa Democratic Party and the Republican Party of Iowa for outstanding achievements in bringing about nationwide recognition for the 2004 presidential precinct caucuses, with report of committee recommending passage, was taken up for consideration.

Senator Dvorsky moved the adoption of Senate Resolution 116, which motion prevailed by a voice vote.

Senate Resolution 125

On motion of Senator Quirnbach, **Senate Resolution 125**, a resolution to recognize the week of May 10, 2004, as Iowa Solar

Energy Awareness Week, with report of committee recommending passage, was taken up for consideration.

Senator Quirnbach moved the adoption of Senate Resolution 125, which motion prevailed by a voice vote.

INTRODUCTION OF BILL

Senate File 2309, by committee on Appropriations, a bill for an act relating to the licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing and effective date.

Read first time and **placed on Appropriations calendar.**

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 14, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 593, a bill for an act relating to elections and voter registration by providing for nonpartisan election of township offices, allowing nomination petitions to be signed on both sides of paper, removing the requirement that judges' names be rotated on certain ballots, relating to use of substitute precinct election officials, relating to use of voting machine or paper ballots at certain elections, modifying opening and closing hours of the polls at certain elections, providing for destruction of certain ballots, relating to the abstract of votes for county offices, providing for use of certain voting machines at satellite absentee voting stations, relating to observers present when ballots are counted, allowing absentee voting at the commissioner's office for certain elections, and relating to persons nominated for city office by write-in votes.

House File 2481, a bill for an act expanding the circumstances by which the juvenile court may modify, vacate and substitute, or terminate a child in need of assistance dispositional order.

House File 2515, a bill for an act relating to the keeping of farm deer.

House File 2560, a bill for an act relating to fire protection service by requiring certain counties to negotiate emergency services agreements for townships, relating to dissolution of benefited fire districts, and including effective and applicability date provisions.

ALSO: That the House has on April 15, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2200, a bill for an act relating to fire safety issues, including the establishment of a fire extinguishing system contractor certification program in the office of the state fire marshal, the promulgation of administrative rules by the state fire marshal, and arson and simulated explosive related criminal offenses, and providing for fees and penalties and for the Act's applicability.

House File 2418, a bill for an act relating to meeting dates by which the state board of regents must make final decisions on tuition increases for institutions of higher education under its control.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE FILE 2308, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

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 Senate File 2308.

Senate File 2308

On motion of Senator Iverson, **Senate File 2308**, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions, with report of committee recommending passage, was taken up for consideration.

Senator Iverson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2308), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Beall | Gaskill | Lamberti | Shull |
| Behn | Gronstal | McCoy | Sievers |
| Black | Hatch | McKibben | Stewart |
| Boettger | Holveck | McKinley | Tinsman |
| Bolkcom | Horn | Putney | Veenstra |
| Brunkhorst | Hosch | Quirnbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Johnson | Rehberg | Zieman |
| Dotzler | Kettering | Schuerer | |
| Drake | Kibbie | Seng | |
| Fraise | Kreiman | Seymour | |

Nays, 3:

| | | |
|--------|---------|--------|
| Angelo | Dvorsky | Lundby |
|--------|---------|--------|

Absent, 2:

| | |
|--------|--------|
| Larson | Miller |
|--------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration House File 2577.

House File 2577

On motion of Senator Houser, **House File 2577**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, with report of committee recommending amendment and passage, was taken up for consideration.

Senator Houser offered amendment S-5376, filed by the committee on Appropriations to page 8 of the bill, and moved its adoption.

Amendment S-5376 was adopted by a voice vote.

Senator Bolkcom offered amendment S-5380, filed by Senators Bolkcom and McCoy 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-5380 be adopted?" (H.F. 2577), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Tinsman |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | McKinley | Sievers |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |

Absent, 2:

| | |
|--------|--------|
| Larson | Miller |
|--------|--------|

Amendment S-5380 lost.

Senator Ward offered amendment S-5379, filed by Senator Lamberti, et al., from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5379 was adopted by a voice vote.

Senator Tinsman offered amendment S-5381, filed by her from the floor to page 9 of the bill, and moved its adoption.

Amendment S-5381 was adopted by a voice vote.

Senator Houser moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2577), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | Lundby | Shull |
| Black | Gronstal | McCoy | Sievers |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | McKinley | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, 1:

Kreiman

Absent, 2:

Larson

Miller

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: *SENATE FILE 2309 (formerly SF 2141), a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an effective date.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 20: Angelo, Lamberti, Dvorsky, Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, none. Absent, 5: Bolkcom, Connolly, Dotzler, Miller, and Seng.

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 2309, and they were attached to the committee report.

CONSIDERATION OF BILL (Appropriations Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2309.

Senate File 2309

On motion of Senator Angelo, **Senate File 2309**, a bill for an act relating to licensure requirements for American sign language and manual English interpreters, making penalties applicable, and providing an 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?" (S.F. 2309), the vote was:

Yeas, 47:

| | | | |
|----------|----------|----------|---------|
| Angelo | Fraise | Kreiman | Seng |
| Beall | Gaskill | Lamberti | Seymour |
| Behn | Gronstal | Lundby | Shull |
| Black | Hatch | McCoy | Sievers |
| Boettger | Holveck | McKibben | Stewart |

| | | | |
|----------|-----------|-----------|-----------|
| Bolkcom | Horn | McKinley | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirnbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |
| Dvorsky | Kibbie | Schuerer | |

Nays, 1:

Brunkhorst

Absent, 2:

Larson

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 **Senate Files 2308 and 2309, House Concurrent Resolution 105, and House File 2577** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 6:52 p.m. until 8:00 a.m., Friday, April 16, 2004.

APPENDIX — 2**REPORT OF COMMITTEE MEETING****RULES AND ADMINISTRATION**

Convened: April 15, 2004, 5:15 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SR 175, SF 2308, and HCR 105.

Adjourned: 5:20 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 176, by Redfern, a resolution requesting authorization for the judicial district and judicial resources study committee to meet for an additional two years.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS**Senate Resolution 175**

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2308

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

House Concurrent Resolution 105

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

MOTION TO RECONSIDER FILED

MR. PRESIDENT: I move to reconsider the vote by which the conference committee report to House File 2434 failed to be adopted by the Senate on April 15, 2004.

WILLIAM A. DOTZLER, JR.

AMENDMENTS FILED

| | | | |
|--------|------|------|--|
| S-5374 | H.F. | 2473 | Steve Warnstadt |
| S-5375 | H.F. | 2473 | Steve Warnstadt |
| S-5376 | H.F. | 2577 | Appropriations |
| S-5377 | H.F. | 2574 | House |
| S-5378 | S.F. | 2275 | House |
| S-5379 | H.F. | 2577 | Jeff Lamberti Pat Ward Matt W. McCoy Jack Hatch |
| S-5380 | H.F. | 2577 | Joe Bolcom Matt W. McCoy |
| S-5381 | H.F. | 2577 | Maggie Tinsman |

JOURNAL OF THE SENATE

NINETY-SIXTH CALENDAR DAY
FIFTY-SEVENTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Friday, April 16, 2004

The Senate met in regular session at 8:09 a.m., President Lamberti presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

The Journal of Thursday, April 15, 2004, was approved.

The Senate stood at ease at 8:15 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 9:28 a.m., President Lamberti presiding.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 15, 2004, **passed** the following bills in which the concurrence of the House was asked:

Senate File 2306, a bill for an act relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

Senate File 2308, a bill for an act relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions.

ALSO: That the House has on April 15, 2004, **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 2302, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions. (S-5382)

ALSO: That the House has on April 15, 2004, **passed** the following bills in which the concurrence of the Senate is asked:

House File 2455, a bill for an act establishing marriage and domestic relations requirements and providing an effective date.

Read first time and **attached to similar Senate File 2258**.

House File 2578, a bill for an act relating to and making appropriations to state departments and agencies from the rebuild Iowa infrastructure fund, environment first fund, tobacco settlement trust fund, state general fund, road use tax fund, Iowa finance authority surplus moneys, and primary road fund, and making related and corrective changes and providing effective dates.

Read first time and referred to committee on **Appropriations**.

RECESS

On motion of Senator Iverson, the Senate recessed at 9:30 a.m. until the completion of a meeting of the committee on Appropriations.

RECONVENED

The Senate reconvened at 9:37 a.m., President Lamberti presiding.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senators McKinley and Miller, for the day, on request of Senator Zieman; and Senator McCoy, until he arrives, on request of Senator Dvorsky.

HOUSE AMENDMENT CONSIDERED

Senate File 2275

Senator Redfern called up for consideration **Senate File 2275**, a bill for an act relating to criminal sentencing practice and procedure, amended by the House in House amendment S-5378, filed April 15, 2004.

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 voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2275), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seymour |
| Beall | Fraise | Kreiman | Shull |
| Behn | Gaskill | Lamberti | Sievers |
| Black | Gronstal | Lundby | Stewart |
| Boettger | Hatch | McKibben | Tinsman |
| Bolkcom | Holveck | Putney | Veenstra |
| Brunkhorst | Horn | Quirmbach | Ward |
| Connolly | Hosch | Ragan | Warnstadt |
| Courtney | Houser | Redfern | Wieck |
| Dearden | Iverson | Rehberg | Zieman |
| Dotzler | Johnson | Schuerer | |
| Drake | Kettering | Seng | |

Nays, none.

Absent, 4:

| | | | |
|--------|-------|----------|--------|
| Larson | McCoy | McKinley | Miller |
|--------|-------|----------|--------|

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 2571.

House File 2571

On motion of Senator Wieck, **House File 2571**, a bill for an act relating to agriculture by providing for reporting requirements, with report of committee recommending passage, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2571), the vote was:

Yeas, 46:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seymour |
| Beall | Fraise | Kreiman | Shull |
| Behn | Gaskill | Lamberti | Sievers |
| Black | Gronstal | Lundby | Stewart |
| Boettger | Hatch | McKibben | Tinsman |
| Bolkcom | Holveck | Putney | Veenstra |
| Brunkhorst | Horn | Quirmbach | Ward |
| Connolly | Hosch | Ragan | Warnstadt |
| Courtney | Houser | Redfern | Wieck |
| Dearden | Iverson | Rehberg | Zieman |
| Dotzler | Johnson | Schuerer | |
| Drake | Kettering | Seng | |

Nays, none.

Absent, 4:

Larson

McCoy

McKinley

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 **Senate File 2275** and **House File 2571** be **immediately messaged** to the House.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 9:56 a.m. until 10:00 a.m., Monday, April 19, 2004.

APPENDIX

REPORT OF COMMITTEE MEETING

APPROPRIATIONS

Convened: April 15, 2004, 3:10 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Schuerer, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Zieman.

Members Absent: Bolkcom, Connolly, Dotzler, Miller, and Seng (all excused).

Committee Business: Passed SF 2141 and HF's 2573 and 2577.

Recessed: 3:30 p.m.

Reconvened: April 16, 2004, 9:32 a.m.

Adjourned: 9:35 a.m.

AMENDMENT FILED

S-5382

H.F. 2302

House

JOURNAL OF THE SENATE

NINETY-NINTH CALENDAR DAY
FIFTY-EIGHTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Monday, April 19, 2004

The Senate met in regular session at 10:04 a.m., President Lamberti presiding.

Prayer was offered by the Honorable Doug Shull, member of the Senate from Warren County, Indianola, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Laura Thomas.

The Journal of Friday, April 16, 2004, was approved.

INTRODUCTION OF RESOLUTION

Senate Resolution 177, by Gronstal, a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program.

Read first time and referred to committee on **Rules and Administration**.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 16, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Joint Resolution 2010, a joint resolution proposing an amendment to the Constitution of the State of Iowa to require approval by vote of the people before certain tax or fee increases take effect.

RECESS

On motion of Senator Iverson, the Senate recessed at 10:09 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 10:11 a.m., President Lamberti presiding.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 177, a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 177.

Senate Resolution 177

On motion of Senator Gronstal, **Senate Resolution 177**, a resolution honoring the Iowa National Guard's 132nd Fighter Wing school-to-work internship program with Des Moines Central Campus's Aviation Technology program, with report of committee recommending passage, was taken up for consideration.

Senator Gronstal moved the adoption of Senate Resolution 177, which motion prevailed by a voice vote.

The Senate stood at ease at 10:18 a.m. until the fall of the gavel for the purpose of party caucuses.

These Senate resumed session at 2:10 p.m., President Lamberti presiding.

QUORUM CALL

Senator Gaskill 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 McKinley, for the day, on request of Senator Ziemann.

HOUSE AMENDMENT TO SENATE AMENDMENT CONSIDERED

House File 2302

Senator Ziemann called up for consideration **House File 2302**, a bill for an act relating to gambling, concerning the operation, licensure, regulation, fee assessment, and taxation of racetracks and excursion gambling boats, imposing a moratorium for issuance of licenses for certain gambling games and pari-mutuel wagering, including pari-mutuel wagering, horse purses and gambling games at racetracks and on gambling boats, racing and gaming commission employees, gambling treatment fund and county endowment fund appropriations, gambling by minors and others, and providing penalties and including effective and retroactive applicability date provisions, amended by the Senate and further amended by the House in House amendment S-5382 to Senate amendment H-8568, filed April 16, 2004.

Senator Zieman moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Zieman 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 voice vote and the bill was read the last time.

On the question “Shall the bill pass?” (H.F. 2302), the vote was:

Yeas, 37:

| | | | |
|----------|----------|-----------|-----------|
| Angelo | Gronstal | McCoy | Sievers |
| Beall | Hatch | McKibben | Stewart |
| Behn | Horn | Putney | Tinsman |
| Black | Hosch | Quirmbach | Ward |
| Connolly | Houser | Ragan | Warnstadt |
| Courtney | Iverson | Redfern | Wieck |
| Dearden | Kibbie | Schuerer | Zieman |
| Dotzler | Kreiman | Seng | |
| Fraise | Lamberti | Seymour | |
| Gaskill | Lundby | Shull | |

Nays, 11:

| | | | |
|------------|---------|-----------|----------|
| Boettger | Drake | Johnson | Rehberg |
| Bolkcom | Dvorsky | Kettering | Veenstra |
| Brunkhorst | Holveck | Miller | |

Absent, 2:

| | |
|--------|----------|
| Larson | McKinley |
|--------|----------|

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 2302** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2303, a bill for an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

ALSO: That the House has on April 19, 2004, **concurred** in the Senate amendment **and passed** the following bills in which the concurrence of the House was asked:

House File 2390, a bill for an act making technical changes to programs under the purview of the department of human services, providing an effective date, and providing for retroactive applicability.

House File 2555, a bill for an act providing for specified changes regarding programs under the purview of the department of public health, providing a penalty, and making an appropriation.

ALSO: That the House has on April 19, 2004, **amended and passed** the following bill in which the concurrence of the House was asked:

Senate File 2298, a bill for an act making, reducing, and transferring appropriations, providing for other properly related matters, and including effective and applicability date provisions. (S-5383)

The Senate stood at ease at 2:52 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 3:53 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 178, by Zieman, a resolution requesting the general assembly to pass legislation requiring background checks for carnival employees.

Read first time and referred to committee on **Rules and Administration**.

Senate Resolution 179, by McKibben, a resolution designating May 2004 as Huntington's Disease Awareness Month.

Read first time and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILL

Senate File 2310, by Iverson and Gronstal, a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal.

Read first time and referred to committee on **Rules and Administration**.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:54 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:56 p.m., President Lamberti presiding.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 3:58 p.m. until 8:30 a.m., Tuesday, April 20, 2004.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Angie Boedeker, Mason City—For achieving the dual honor of being a University of Northern Iowa Presidential Scholar and for being selected to present her senior thesis at a university conference. Senator Ragan (4/20/04).

Casper and Imogene Estrem, Ames—For celebrating your 60th wedding anniversary. Senator Quirmbach (4/23/04).

Emily Ita, Burlington—For being awarded the Presidential Scholarship to Coe College. Senator Courtney (4/20/04).

Esther Kingsbury, Ames—For celebrating your 95th birthday on April 25, 2004. Senator Quirmbach (4/25/04).

Esther Vogel, Independence—For celebrating your 103rd birthday on April 19, 2004. Senator Rehberg (4/19/04).

REPORTS OF COMMITTEE MEETINGS

RULES AND ADMINISTRATION

Convened: April 19, 2004, 10:00 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SR 177.

Adjourned: 10:05 a.m.

ALSO:

Convened: April 19, 2004, 3:45 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: Gronstal, Ranking Member (excused).

Committee Business: Passed SRs 178 and 179, and SF 2310.

Adjourned: 3:50 p.m.

INTRODUCTION OF RESOLUTION

Senate Resolution 180, by Tinsman, a resolution requesting the Senate leadership to establish a blue ribbon elder services planning group to develop a plan for unifying the state administration of services utilized by elderly Iowans who are age sixty or older.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

SUBCOMMITTEE ASSIGNMENTS

Senate Resolution 178

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 179

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate File 2310

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 178, a resolution requesting the general assembly to pass legislation requiring background checks for carnival employees.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE RESOLUTION 179, a resolution designating May 2004 as Huntington's Disease Awareness Month.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: SENATE FILE 2310, a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Lamberti, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, 1: Gronstal.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 19th day of April, 2004:

Senate Files 2179, 2183, 2289, and 2306.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 16, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2119 – Relating to obligations secured by collateral required to be pledged by banks to the Treasurer of State in order to secure the deposit of public moneys, and providing an effective date.

S.F. 2173 – Concerning private sector employee drug testing relating to authorized testing substances, confirmed positive test results, and testing procedures, and providing an effective date.

S.F. 2208 – Relating to the powers and duties of the Department of Agriculture and Land Stewardship, and making penalties applicable.

S.F. 2269 – Relating to elections and voter registration, including implementing requirements of federal law, adjusting language to reflect current practice, making

changes related to voting machines, making changes related to absentee voting, providing penalties, and providing effective and applicability dates.

S.F. 2272 – Relating to detaining or the placement of criminal defendants who are mentally incompetent or dangerous.

GOVERNOR'S VETO MESSAGE

April 16, 2004

The Honorable Jeffrey Lamberti
President of the Senate
State Capitol Building
L O C A L

Dear President Lamberti:

I hereby transmit Senate File 2279, an act relating to petition and operating hour requirements for a satellite absentee voting station.

I am unable to approve Senate File 2279. When we live in a state and country where less than 50 percent of eligible voters are registered to vote and less than 50 percent of those registered actually make an effort to vote, I believe we should be examining ways to make it easier for our citizens to participate in the election process. As President John F. Kennedy said, "The right to vote in a free American election is the most powerful and precious right in the world."

We should be looking for opportunities to increase participation in the electoral process. Therefore, our legislative efforts should not create additional hurdles to participation in the electoral process. Satellite voting provides Iowans with another important opportunity to exercise their right to vote. We should not be making that opportunity more difficult. Senate File 2279 is a partisan bill that makes it harder, not easier, to vote by creating petition requirements that are far more difficult to attain.

Further, this bill sets a different standard for urban legislative districts than for rural legislative districts in the number of signatures required to set up a satellite voting station. Each legislative district has the same number of constituents. However, if candidates' districts have different sized cities, the petition requirements for a satellite voting station will be different. The system established by this bill is inequitable and discourages voter participation.

For the above reasons, I hereby respectfully disapprove Senate File 2279.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED

| | | | |
|--------|------|------|-------------|
| S-5383 | S.F. | 2298 | House |
| S-5384 | S.F. | 2298 | Jeff Angelo |

JOURNAL OF THE SENATE

ONE HUNDREDTH CALENDAR DAY
FIFTY-NINTH SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, April 20, 2004

The Senate met in regular session at 8:39 a.m., Senator McKibben presiding.

Prayer was offered by the Reverend Ron Stein, pastor of the First Baptist Church in Mason City, Iowa. He was the guest of Senator Ragan.

The Journal of Monday, April 19, 2004, was approved.

HOUSE MESSAGES RECEIVED AND CONSIDERED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 19, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2291, a bill for an act relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions.

ALSO: That the House has on April 19, 2004, **amended** the Senate amendment, **concurred** in the Senate amendment as amended, **and passed** the following bill in which the concurrence of the House was asked:

House File 2577, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date. (S-5385)

RECESS

On motion of Senator Iverson, the Senate recessed at 8:42 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:44 a.m., Senator McKibben presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 178.

Senate Resolution 178

On motion of Senator Zieman, **Senate Resolution 178**, a resolution requesting the general assembly to pass legislation requiring background checks for carnival employees, with report of committee recommending passage, was taken up for consideration.

Senator Zieman moved the adoption of Senate Resolution 178, which motion prevailed by a voice vote.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Bill Title: SENATE RESOLUTION 180, a resolution requesting the Senate leadership to establish a blue ribbon elder services planning group to develop a plan for unifying the state administration of services utilized by elderly Iowans who are age sixty or older.

Recommendation: DO PASS.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 180.

Senate Resolution 180

On motion of Senator Tinsman, **Senate Resolution 180**, a resolution requesting the Senate leadership to establish a blue ribbon elder services planning group to develop a plan for unifying the state administration of services utilized by elderly Iowans who are age sixty or older, with report of committee recommending passage, was taken up for consideration.

Senator Tinsman moved the adoption of Senate Resolution 180, which motion prevailed by a voice vote.

INTRODUCTION OF RESOLUTION

Senate Concurrent Resolution 118, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

The Senate stood at ease at 8:54 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 10:47 a.m., President Lamberti presiding.

CONSIDERATION OF RESOLUTION
(Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 179.

Senate Resolution 179

On motion of Senator McKibben, **Senate Resolution 179**, a resolution designating May 2004 as Huntington's Disease Awareness Month, with report of committee recommending passage, was taken up for consideration.

Senator McKibben moved the adoption of Senate Resolution 179, which motion prevailed by a voice vote.

SPECIAL GUESTS

Senator McKibben welcomed the to Senate chamber Iowa natives Ben Easter and Billy Aaron Brown, actors who were in Iowa helping to raise awareness for Huntington's Disease research at the Hoop-a-thon free throw shooting event in Des Moines. They were accompanied by the parents of Billy Aaron Brown, Karen and Bill Brown, and Sally Saxen and Vickie Schleisman.

The Senate rose and expressed its welcome.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator McKinley, until he arrives, on request of Senator Veenstra.

CONSIDERATION OF BILL (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate File 2310.

Senate File 2310

On motion of Senator Redfern, **Senate File 2310**, a bill for an act providing for the transfer and apportionment of district associate judges and to the qualifications of magistrates, providing for a study, and providing for a future repeal, with report of committee recommending passage, was taken up for consideration.

Senator Kreiman offered amendment S-5386, filed by him from the floor to page 4 of the bill, and moved its adoption.

Amendment S-5386 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. 2310), the vote was:

Yeas, 48:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Schuerer |
| Beall | Fraise | Kreiman | Seng |
| Behn | Gaskill | Lamberti | Seymour |
| Black | Gronstal | Lundby | Shull |
| Boettger | Hatch | McCoy | Sievers |
| Bolkcom | Holveck | McKibben | Stewart |
| Brunkhorst | Horn | Miller | Tinsman |
| Connolly | Hosch | Putney | Veenstra |
| Courtney | Houser | Quirmbach | Ward |
| Dearden | Iverson | Ragan | Warnstadt |
| Dotzler | Johnson | Redfern | Wieck |
| Drake | Kettering | Rehberg | Zieman |

Nays, none.

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate File 2310** be **immediately messaged** to the House.

HOUSE AMENDMENT CONSIDERED

Senate File 2298

Senator Angelo called up for consideration **Senate File 2298**, a bill for an act making, reducing, and transferring appropriations,

providing for other properly related matters, and including effective and applicability date provisions, amended by the House in House amendment S-5383, filed April 19, 2004.

Senator Angelo offered amendment S-5384, filed by him on April 19, 2004, to pages 1-9, 12, 13, 28, 30, 42, and to the title provisions of House amendment S-5383.

The Senate stood at ease at 11:14 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 11:42 a.m., President Lamberti presiding.

Senator Stewart offered amendment S-5394, filed by him from the floor to pages 3 and 5 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5394 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Sievers |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | McCoy | Warnstadt |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Tinsman |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Drake | Lamberti | Schuerer | Zieman |
| Gaskill | Lundby | Seymour | |
| Hosch | McKibben | Shull | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5394 lost.

Senator Warnstadt offered amendment S-5390, filed by him from the floor to pages 7 and 8 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5390 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McKibben | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McCoy | Shull | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5390 lost.

Senator Sievers offered amendment S-5396, filed by Senators Sievers, Brunkhorst, and Kettering from the floor to page 8 of amendment S-5384 to House amendment S-5383.

Senator Sievers asked and received unanimous consent to withdraw amendment S-5396.

Senator Ragan offered amendment S-5392, filed by her from the floor to page 10 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5392 to amendment S–5384 to House amendment S–5383 be adopted?” (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Holveck | Ragan |
| Black | Dvorsky | Horn | Seng |
| Bolkcom | Fraise | Kibbie | Stewart |
| Connolly | Gaskill | Kreiman | Warnstadt |
| Courtney | Gronstal | McCoy | |
| Dearden | Hatch | Quirnbach | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Putney | Tinsman |
| Behn | Johnson | Redfern | Veenstra |
| Boettger | Kettering | Rehberg | Ward |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |
| Houser | Miller | Sievers | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S–5392 lost.

Senator Ragan offered amendment S–5395, filed by her from the floor to page 10 of amendment S–5384 to House amendment S–5383, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S–5395 to amendment S–5384 to House amendment S–5383 be adopted?” (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Holveck | Ragan |
| Black | Dvorsky | Horn | Seng |
| Bolkcom | Fraise | Kibbie | Stewart |
| Connolly | Gaskill | Kreiman | Warnstadt |
| Courtney | Gronstal | McCoy | |
| Dearden | Hatch | Quirnbach | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Iverson | Putney | Tinsman |
| Behn | Johnson | Redfern | Veenstra |
| Boettger | Kettering | Rehberg | Ward |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |
| Houser | Miller | Sievers | |

Absent, 2:

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| Larson | McKinley |
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Amendment S-5395 lost.

Senator Dvorsky offered amendment S-5391, filed by him from the floor to page 19 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5391 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirmbach | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Putney | Tinsman |
| Behn | Iverson | Redfern | Veenstra |
| Boettger | Johnson | Rehberg | Ward |
| Brunkhorst | Kettering | Schuerer | Wieck |
| Drake | Lamberti | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | Miller | Sievers | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5391 lost.

Senator McKibben offered amendment S-5393, filed by him from the floor to pages 28 and 30 of amendment S-5384 to House amendment S-5383, and moved its adoption.

Amendment S-5393 was adopted by a voice vote.

Senator Kettering offered amendment S-5387, filed by him from the floor to page 42 of amendment S-5384 to House amendment S-5383, and moved its adoption.

Amendment S-5387 was adopted by a voice vote.

Senator Quirmbach asked and received unanimous consent to withdraw amendment S-5397, filed by Senators Quirmbach and Bolkcom from the floor to page 1 of amendment S-5384 to House amendment S-5383.

Senator Kreiman offered amendment S-5399, filed by him from the floor to page 19 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5399 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 19:

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|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | McCoy |
| Black | Dotzler | Holveck | Quirmbach |
| Bolkcom | Dvorsky | Horn | Seng |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | |

Nays, 29:

| | | | |
|------------|-----------|----------|-----------|
| Angelo | Iverson | Ragan | Veenstra |
| Behn | Johnson | Redfern | Ward |
| Boettger | Kettering | Rehberg | Warnstadt |
| Brunkhorst | Lamberti | Schuerer | Wieck |
| Drake | Lundby | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | Miller | Sievers | |
| Houser | Putney | Tinsman | |

Absent, 2:

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| Larson | McKinley |
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Amendment S-5399 lost.

Senator Beall offered amendment S-5400, filed by him from the floor to page 19 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5400 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirnbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

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|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5400 lost.

Senator Warnstadt withdrew amendment S-5398, filed by him from the floor to pages 42 and 43 of amendment S-5384 to House amendment S-5383.

Senator Angelo asked and received unanimous consent that action on amendment S-5384 to House amendment S-5383 be deferred.

Senator Connolly offered amendment S-5401, filed by Senators Connolly and Dvorsky from the floor to pages 10 and 30 of House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5401 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirmbach | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Putney | Tinsman |
| Behn | Iverson | Redfern | Veenstra |
| Boettger | Johnson | Rehberg | Ward |
| Brunkhorst | Kettering | Schuerer | Wieck |
| Drake | Lamberti | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | Miller | Sievers | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5401 lost.

Senator Black offered amendment S-5389, filed by him from the floor to pages 25 and 26 of House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5389 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

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|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Lundby | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Kreiman | Schuerer | Wieck |
| Gaskill | Lamberti | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5389 lost.

Senator McKibben took the chair at 12:35 p.m.

Senator Dotzler offered amendment S-5388, filed by Senator Dotzler, et al., from the floor to page 28 of House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5388 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 22:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Connolly | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirnbach | |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Putney | Tinsman |
| Behn | Iverson | Redfern | Veenstra |
| Boettger | Johnson | Rehberg | Ward |
| Brunkhorst | Kettering | Schuerer | Wieck |
| Drake | Lamberti | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | Miller | Sievers | |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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Amendment S-5388 lost.

The Senate resumed consideration of amendment S-5384 to House amendment S-5383, previously deferred.

Senator Redfern offered amendment S-5402, filed by him from the floor to page 77 of amendment S-5384 to House amendment S-5383, and moved its adoption.

Amendment S-5402 was adopted by a voice vote.

Senator Quirmbach offered amendment S-5403, filed by Senators Quirmbach and Bolkcom from the floor to page 7 of amendment S-5384 to House amendment S-5383, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5403 to amendment S-5384 to House amendment S-5383 be adopted?" (S.F. 2298), the vote was:

Yeas, 21:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Dvorsky | Kibbie | Stewart |
| Bolkcom | Fraise | Kreiman | Warnstadt |
| Connolly | Gronstal | McCoy | |
| Courtney | Hatch | Quirmbach | |
| Dearden | Holveck | Ragan | |

Nays, 27:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Sievers |
| Behn | Iverson | Putney | Tinsman |
| Boettger | Johnson | Redfern | Veenstra |
| Brunkhorst | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seymour | Zieman |
| Hosch | McKibben | Shull | |

Absent, 2:

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| Larson | McKinley |
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Amendment S-5403 lost.

Senator Angelo moved the adoption of amendment S-5384 to House amendment S-5383, as amended.

Amendment S-5384 was adopted by a voice vote.

Senator Angelo moved that the Senate concur in the House amendment, as amended.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment, as amended.

Senator Angelo moved that the bill, as amended by the House, further amended and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (S.F. 2298), the vote was:

Yeas, 28:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Shull |
| Behn | Iverson | Putney | Sievers |
| Boettger | Johnson | Redfern | Tinsman |
| Brunkhorst | Kettering | Rehberg | Veenstra |
| Drake | Lamberti | Schuerer | Ward |
| Gaskill | Lundby | Seng | Wieck |
| Hosch | McKibben | Seymour | Zieman |

Nays, 20:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dearden | Hatch | McCoy |
| Black | Dotzler | Holveck | Quirnbach |
| Bolkcom | Dvorsky | Horn | Ragan |
| Connolly | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Kreiman | Warnstadt |

Absent, 2:

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|--------|----------|
| Larson | McKinley |
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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 2298** be **immediately messaged** to the House.

HOUSE AMENDMENT TO
SENATE AMENDMENT CONSIDERED**House File 2577**

Senator Houser called up for consideration **House File 2577**, a bill for an act relating to and making appropriations from the healthy Iowans tobacco trust and the tobacco settlement trust fund and providing an effective date, amended by the Senate and further amended by the House in House amendment S-5385 to Senate amendment H-8608, filed April 20, 2004.

Senator Houser moved that the Senate concur in the House amendment to the Senate amendment.

The motion prevailed by a voice vote and the Senate **concurred** in the House amendment to the Senate amendment.

Senator Houser moved that the bill, as amended by the Senate, further amended by the House and concurred in by the Senate, be read the last time now and placed upon its passage, which motion prevailed by voice vote and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2577), the vote was:

Yeas, 47:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Dvorsky | Kibbie | Seng |
| Beall | Fraise | Lamberti | Seymour |
| Behn | Gaskill | Lundby | Shull |
| Black | Gronstal | McCoy | Sievers |
| Boettger | Hatch | McKibben | Stewart |
| Bolkcom | Holveck | Miller | Tinsman |
| Brunkhorst | Horn | Putney | Veenstra |
| Connolly | Hosch | Quirnbach | Ward |
| Courtney | Houser | Ragan | Warnstadt |
| Dearden | Iverson | Redfern | Wieck |
| Dotzler | Johnson | Rehberg | Zieman |
| Drake | Kettering | Schuerer | |

Nays, 1:

Kreiman

Absent, 2:

Larson

McKinley

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 2577** be **immediately messaged** to the House.

The Senate stood at ease at 1:03 p.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 1:39 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Houser, until he returns, on request of Senator Iverson.

UNFINISHED BUSINESS

Senate File 2258

On motion of Senator Schuerer, **Senate File 2258**, a bill for an act relating to requirements related to covenant marriage, placed on the Unfinished Business Calendar on March 25, 2004, was taken up for consideration.

Senator Schuerer offered amendment S-5404, filed by him from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

Amendment S-5404 was adopted by a voice vote.

Senator Schuerer asked and received unanimous consent that **House File 2455** be **substituted** for **Senate File 2258**.

House File 2455

On motion of Senator Schuerer, **House File 2455**, a bill for an act relating to requirements related to covenant marriage, was taken up for consideration.

Senator McCoy offered amendment S-5405, filed by him from the floor to pages 1-4 of the bill, and moved its adoption.

A nonrecord roll call was requested.

The ayes were 20, nays 26.

Amendment S-5405 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?" (H.F. 2455), the vote was:

Yeas, 33:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Johnson | Quirnbach | Tinsman |
| Behn | Kettering | Ragan | Veenstra |
| Boettger | Kibbie | Redfern | Ward |
| Brunkhorst | Kreiman | Rehberg | Warnstadt |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | Lundby | Seng | Zieman |
| Horn | McKibben | Seymour | |
| Hosch | Miller | Shull | |
| Iverson | Putney | Sievers | |

Nays, 14:

| | | | |
|----------|----------|----------|---------|
| Beall | Courtney | Fraise | McCoy |
| Black | Dearden | Gronstal | Stewart |
| Bolkcom | Dotzler | Hatch | |
| Connolly | Dvorsky | Holveck | |

Absent, 3:

| | | |
|--------|--------|----------|
| Houser | Larson | McKinley |
|--------|--------|----------|

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 2258** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2455** be **immediately messaged** to the House.

Senator Boettger took the chair at 2:30 p.m.

SPECIAL PRESENTATION

Senator Iverson was escorted to the well of the Senate by Senators Drake and Rehberg; Senator Gronstal was escorted to the well of the Senate by Senator Holveck; and Senator Lamberti was escorted to the well of the Senate by Senator Redfern. They were presented gifts on behalf of the members of the Senate in recognition of their leadership during the Eightieth General Assembly.

Senators Drake, Holveck, Redfern, and Rehberg were presented plaques on behalf of the members of the Senate in recognition of their years of service.

President Lamberti took the chair at 2:34 p.m.

Senator Iverson addressed the Senate with brief remarks.

Senator Gronstal addressed the Senate with brief remarks.

President Lamberti addressed the Senate with brief remarks.

The Senate rose and expressed its appreciation.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 118, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 11: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 118.

Senate Concurrent Resolution 118

On motion of Senator Iverson, **Senate Concurrent Resolution 118**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 118, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 118** be **immediately messaged** to the House.

HOUSE MESSAGES RECEIVED

The following messages were received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on April 20, 2004, **adopted** the following resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution 118, a concurrent resolution to provide for adjournment sine die.

ALSO: That the House has on April 20, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2215, a bill for an act relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state.

ALSO: That the House has on April 20, 2004, **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 2298, a bill for an act making, reducing, and transferring appropriations, providing for government and economic development-related taxation, surcharge, and fee matters, providing for other properly related matters, and including penalty and effective and retroactive and other applicability date provisions.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 118, duly adopted, the day of April 20, 2004, having arrived, President Lamberti declared the 2004 Regular Session of the Eightieth General Assembly adjourned sine die.

APPENDIX

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Scott Beall, Waverly—For your gubernatorial appointment and Senate confirmation to the Iowa Empowerment Board. Senator Beall (4/20/04).

Cheri Blauwet, Menlo Park, California—For winning the Boston Marathon with a time of 1 hour, 39 minutes, and 53 seconds. Senator Veenstra (4/20/04).

Coach Gayle Blevins, Coralville—For attaining 1,000 career victories as a college softball coach. Senator Dvorsky (4/20/04).

REPORT OF COMMITTEE MEETING

RULES AND ADMINISTRATION

Convened: April 20, 2004, 8:40 a.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, Ragan, Sievers, and Wieck.

Members Absent: None.

Committee Business: Passed SCR 118 and SR 180.

Adjourned: 8:45 a.m.

SUBCOMMITTEE ASSIGNMENTS

Senate Concurrent Resolution 118

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

Senate Resolution 180

RULES AND ADMINISTRATION: Iverson, Chair; Gronstal and Lamberti

REPORTS OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2291, the following correction was made:

1. Page 2, line 35, a period was inserted after the word "percent".

ALSO:

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in engrossing Senate File 2298, the following correction was made to S-5384, amending the House amendment to SF 2298:

1. Page 77, line 5, the operation number "14." was corrected to "___".

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bills have been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 20th day of April, 2004:

Senate Files 297, 443, 2026, 2066, 2112, 2121, 2153, 2154, 2190, 2209, 2215, 2270, 2275, 2282, 2288, 2291, 2295, 2298, 2303, and 2308.

MICHAEL E. MARSHALL
Secretary of the Senate

BILLS SIGNED BY THE GOVERNOR

A communication was received announcing that on April 20, 2004, the Governor approved and transmitted to the Secretary of State the following bills:

S.F. 2179 – Relating to ethics laws and the Iowa ethics and campaign disclosure board.

S.F. 2289 – Relating to various duties of the county treasurer and to certain fees collected by the county treasurer.

S.F. 2306 – Relating to civil action appeal bonds and including monetary limits, and including an effective and applicability date provision.

FINAL DISPOSITION OF MOTION TO RECONSIDER

Pursuant to Senate Rule 24, the following motion to reconsider, which remained on the Senate calendar upon the adjournment of the 2004 Regular Session of the Eightieth General Assembly, was determined to have **failed**:

House File 2434, a bill for an act to update and modify the enhanced 911 emergency telephone communications system and providing an applicability date. (Conference committee report failed Senate April 15, 2004.) Motion filed by Senator Dotzler on April 15, 2004.

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5385 | H.F. | 2577 | House |
| S-5386 | S.F. | 2310 | Keith A. Kreiman |
| S-5387 | S.F. | 2298 | Steve Kettering |
| S-5388 | S.F. | 2298 | William A. Dotzler, Jr. Daryl Beall Dennis H. Black Joe Bolkcom Mike Connolly Thomas G. Courtney Dick L. Dearden Robert E. Dvorsky Gene Fraise Michael E. Gronstal Jack Hatch Jack Holveck Wally E. Horn John P. Kibbie Keith A. Kreiman Matt W. McCoy Herman C. Quirmbach Amanda Ragan Joe M. Seng Roger Stewart Steve Warnstadt |
| S-5389 | S.F. | 2298 | Dennis H. Black |
| S-5390 | S.F. | 2298 | Steve Warnstadt |
| S-5391 | S.F. | 2298 | Robert E. Dvorsky |
| S-5392 | S.F. | 2298 | Amanda Ragan |
| S-5393 | S.F. | 2298 | Larry McKibben |
| S-5394 | S.F. | 2298 | Roger Stewart |
| S-5395 | S.F. | 2298 | Amanda Ragan |
| S-5396 | S.F. | 2298 | Bryan J. Sievers Bob Brunkhorst Steve Kettering |
| S-5397 | S.F. | 2298 | Herman C. Quirmbach Joe Bolkcom |
| S-5398 | S.F. | 2298 | Steve Warnstadt |
| S-5399 | S.F. | 2298 | Keith A. Kreiman |
| S-5400 | S.F. | 2298 | Daryl Beall |

| | | | |
|--------|------|------|------------------------------------|
| S-5401 | S.F. | 2298 | Mike Connolly Robert E. Dvorsky |
| S-5402 | S.F. | 2298 | Donald B. Redfern |
| S-5403 | S.F. | 2298 | Herman C. Quirmbach Joe Bolkcom |
| S-5404 | S.F. | 2258 | Neal Schuerer |
| S-5405 | H.F. | 2455 | Matt W. McCoy |

RESOLUTION ENROLLED, SIGNED, AND SENT TO THE SECRETARY OF STATE

The Secretary of the Senate submitted the following report:

MR. 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 presented to the office of the Secretary of State for deposit on this 20th day of April, 2004:

Senate Joint Resolution 2010.

MICHAEL E. MARSHALL
Secretary of the Senate

REPORT OF THE SECRETARY OF THE SENATE

MR. PRESIDENT: Pursuant to Senate Rule 21, I report that in enrolling Senate File 2298, the following corrections were made:

1. Page 21, line 31, "a." was changed to "1."
2. Page 22, line 3, "b." was changed to "2."
3. Page 22, line 3, "paragraph a" was changed to "subsection 1".
4. Page 72, line 18, "takes" was changed to "take".
5. Page 87, line 29, "6A." was changed to "7."
6. Page 87, line 32, "7." was changed to "8."
7. Page 87, line 34, "8." was changed to "9."
8. Page 88, line 1, "9." was changed to "10."
9. Page 88, line 30, "10." was changed to "11."
10. Page 88, line 34, "11." was changed to "12."
11. Page 89, line 3, "12." was changed to "13."
12. Page 90, line 21, "13." was changed to "14."
13. Page 150, line 16, "1st" was changed to "First".
14. Page 165, line 32, "work load" was changed to "workload".
15. Page 217, line 13, the letter "l" in the word "later" was stricken.
16. Page 226, line 31, "section 230" was changed to "section 265".
17. Page 243, line 22, "not withstanding" was changed to "notwithstanding".
18. Page 258, line 16, "subsection" was changed to "section".
19. Page 276, line 26, "follows:" was changed to "follows:".
20. Page 313, line 12, "DIVISION XIV" was changed to "DIVISION XXIV".

MICHAEL E. MARSHALL
Secretary of the Senate

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 2004 Regular Session:

SENATE BILLS APPROVED

S.F. 297 – Relating to the regulation of snowmobiles and all-terrain vehicles, establishing fees, providing penalties, and providing an applicability date. Approved May 6, 2004.

S.F. 443 – Relating to criteria for community-based seed capital funds and providing retroactive applicability dates. Approved May 11, 2004.

S.F. 2026 – Relating to the phaseout of the sales and use taxes on the sale and furnishing of gas, electricity, and fuel to residential customers. Approved May 6, 2004.

S.F. 2066 – Modifying requirements for securing children transported in motor vehicles and making a penalty applicable. Approved April 28, 2004.

S.F. 2112 – Relating to and making transportation and other infrastructure-related appropriations to the state department of transportation, including allocation and use of moneys from the road use tax fund, the primary road fund, and the keep Iowa beautiful fund, and providing for the nonreversion of certain moneys. Approved May 19, 2004.

S.F. 2153 – Relating to the funding of efforts to alleviate a public health emergency or disaster. Approved April 26, 2004.

S.F. 2154 – Relating to parties to whom traffic citations are issued for failure to obey school bus warning devices. Approved May 15, 2004.

S.F. 2209 – Relating to the content of immunizations, and making a penalty applicable. Approved May 14, 2004.

S.F. 2215 – Relating to the investment of moneys of the Iowa finance authority in funds within the office of the treasurer of state. Approved May 6, 2004.

S.F. 2270 – Relating to county records, including the fees for recorded and electronic transactions and the confidentiality of veterans' military records maintained by the county recorder and providing an effective date. Approved May 11, 2004.

S.F. 2275 – Relating to criminal sentencing practice and procedure. Approved May 11, 2004.

S.F. 2282 – Requiring a comprehensive study of the archaeological and paleontological significance and the significance of the flora and fauna of the loess hills and of the feasibility of creating a state native prairie preserve in the loess hills and of other various uses of the loess hills, and providing a contingent effective date. Approved May 3, 2004.

S.F. 2288 – 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 17, 2004.

S.F. 2291 – Relating to local government authority to encourage development and rehabilitation of certain real property and including effective date and applicability date provisions. Approved May 17, 2004.

S.F. 2308 – Relating to the number of days of payment for expenses of office for members of the general assembly for the 2004 regular session of the Eightieth General Assembly and including effective date and retroactive applicability provisions. Approved May 3, 2004.

GOVERNOR'S ITEM VETO MESSAGE

May 17, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2298, an act making, reducing, and transferring appropriations, providing for government and economic development-related taxation, surcharge, and fee matters, providing for other properly related matters, and including penalty and effective and retroactive and other applicability date provisions.

During my Condition of the State address in January, I asked the legislature to join me in honoring the spirit of service and sacrifice of Iowans serving in harm's way. As important decisions affecting our state's future presented a significant challenge, I felt it was crucial to put these challenges in perspective to guide our work in shaping the future of Iowa. At that time, I remarked, "Today, and for the foreseeable future, Iowans will be placed in harm's way in the service of liberty and freedom. Their task of improving the world in which we all live is our task as well. In our work at home, we should draw inspiration from them to do our duty. They sacrifice to transform a nation and open up opportunity for someone else's child. We sacrifice to transform a state and open up opportunity for their children and all of our children."

We strived to fund initiatives and operations of state government that allowed these values to strengthen our homes, neighborhoods, and communities. As a state, we have the responsibility to create classrooms of extraordinary learning. Technology should replace worn-out textbooks of yesterday to engage youngster's interests,

ultimately leading to a work force of unmatched talent. As a state, the Iowa Values Fund has created tremendous economic opportunity by investing in good-paying jobs. Of course, security for all Iowans remains the centerpiece of state government. Seniors deserve the dignity of remaining in their homes longer through assistance of the Senior Living Trust. Vulnerable Iowans deserve health care and social services when they have nowhere else to turn.

Despite continued anemic revenue growth, I renewed my pledge to work with majority party legislative leaders to put together a budget that reflected these important Iowa values. The legislature, at the direction of Republican leaders, chose a different route. During the closing days of the session, they sent my office a massive 337-page omnibus-spending bill. In reviewing this legislation, it became clear to me that legislative leaders chose a path that had the potential to make Iowa less than it must be. I voiced these concerns. Sadly, majority party leaders made it clear that returning to the Capitol to reach compromise was not an option. I must take them at their word.

The executive branch of this government will rise up and manage—as best we can—the challenge of providing state services in the absence of adequate resources. So now, the difficult work begins. We will go about this work with a clear sense of duty. We will do this because Iowans expect us to do our jobs. And we will do this because we have a promise to keep. I have not forgotten the promise I made to these very brave Iowans.

Senate File 2298 is approved on this date, with the following exceptions, which I hereby disapprove:

Division I

I am unable to approve the item designated as Section 2, subsection 1, second unnumbered paragraph, in its entirety. This paragraph requires the Department of Administrative Services to refund \$1,889,610 to the state's general fund at the end of fiscal year 2005. The department needs these start-up funds for more than a single year to ensure economic viability as it moves to an entrepreneurial business model.

I am unable to approve the item designated as Section 9 in its entirety. This section prohibits the Alcoholic Beverages Division from adding new positions for the purpose of the state assuming the state liquor warehouse functions currently being done by a private contractor. The language also requires the division to hire a new private contractor to operate the warehouse using a competitive bidding process. This language prevents the state from considering the opportunity to manage its own resources, including the possibility of achieving cost savings and improving customer service. I support using a competitive bidding process but want to have flexibility for the state to participate in that process.

I am unable to approve the item designated as Section 10 in its entirety. This section is contingent upon the enactment of House File 2521, which was not approved by the legislature. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 24, subsection 3, in its entirety. This would appropriate \$50,000 to the Department of Revenue for a study of the entire state and local government tax structure and services they support. As

noted later in this message, the resources and the time frame are inadequate to accomplish a study of this magnitude.

I am unable to approve the item designated as Section 32 in its entirety. This section provides the enactment clause for Section 9, relating to the state liquor warehouse, which is vetoed. Therefore, this section is unnecessary.

Division III

I am unable to approve the item designated as Section 49, subsection 3, in its entirety. As I indicated the last two years, the Accountable Government Act establishes a comprehensive, enterprisewide process for setting program goals and establishing results measures. These measures have been developed with data currently being compiled. This section would create redundancies in the development and reporting of goals and results measurements for the Department of Economic Development.

I am unable to approve the item designated as a portion of Section 58, subsection 2. This would require that small business development centers be located equally throughout the different regions of the state. This bill contains no instruction as to the legislative meaning or intent of "located equally throughout the different regions of the state." As such, the bill is terminally vague making compliance impossible.

I am unable to approve the items designated as Section 58, subsection 3, paragraph b; Section 59, subsection 2, paragraph b; and Section 60, subsection 2, paragraph b, in their entirety. These sections would require any business or individual receiving benefits from specified regent programs to have a commercially viable service or product. This legislative mandate would have an unacceptable stifling effect on innovation. Iowa should be encouraging entrepreneurship. These sections would have the opposite impact.

I am unable to approve the item designated as Section 67 in its entirety. This section implies that Iowa's community colleges would give funding priority to the training and retraining needs of the information technology sector of Iowa's economy. While the information technology sector represents a very important component of the Iowa economy, it is just one of three sectors targeted by the Iowa Values Fund. Singling out one sector for possible preference could create conflicting expectations both between the information technology businesses and the community colleges and between other targeted industry sectors. Under the Iowa Values Fund legislation, the community colleges and the Iowa Department of Economic Development are charged with administering training funds, and the Iowa Values Fund Board is responsible for business incentive funding. The addition of a perceived funding preference for one industry sector diminishes the authority vested in these entities by the Iowa Values Fund legislation.

I am unable to approve the item designated as Section 71 in its entirety. Expenditure information for executive branch agencies of state government is currently available to the economic development appropriations subcommittees and the Legislative Services Agency on a daily basis through the Iowa Financial and Accounting System. The Legislative Services Agency also has the authority to request expenditure information from regent universities. The reporting requirement in this

section would duplicate existing data and place an unnecessary and unprecedented requirement on limited staff resources.

Division IV

I am unable to approve the item designated as Section 82, subsection 1, in its entirety. This section requires the Department of Education, the Board of Regents, and other accredited postsecondary institutions to study the feasibility of offering a teacher intern program that would be available statewide. This study is unnecessary, as the State Board of Education has already provided authority through administrative rules for the development and implementation of this type of program.

I am unable to approve the item designated as Section 86, subsection 1a, first unnumbered paragraph, in its entirety. This sentence specifies that the Board of Regents, the Department of Management, and the Legislative Services Agency shall cooperate to determine the amount to be appropriated for tuition replacement. This language is outdated and unnecessary as the Board of Regents now relies on a financial advisor to calculate figures for tuition replacement.

I am unable to approve the item designated as Section 86, subsection 2a, second unnumbered paragraph, in its entirety. This paragraph restricts spending on the School of Public Health and the Public Health Initiative at the University of Iowa. As we face a growing need for workers trained in these health professions and for the services provided by this program, it is appropriate to allow reallocations of funds to the School of Public Health from other areas, rather than single this out as the one area at the University of Iowa to have its budget capped at its previous level.

I am unable to approve the item designated as Section 86, subsection 2b, paragraph (4), in its entirety. This language changes a long-standing agreement on the definition of "medically necessary" as applied to conditions for the termination of pregnancy under the Indigent Patient Care Program at the University of Iowa Hospitals. While the prior language may not have satisfied anyone completely, the terminology was based on a process of mutual discussion and agreement that struck a careful balance among people with deeply held convictions. Because this subsection alters that language and disrupts the balance that was previously agreed to without going through a similar process of mutual discussion and agreement, this paragraph is unacceptable.

I am unable to approve the item designated as a portion of Section 86, subsection 3a, second unnumbered paragraph, in its entirety. This paragraph restricts spending on the Center for Excellence in Fundamental Plant Sciences at Iowa State University and does not permit this program to receive either its share of dollars for salary increases or internal reallocations of funds from other university programs. If we are committed to making Iowa a leader in plant sciences technologies, then it is unreasonable to single this out as the one center at Iowa State University to have its budget capped at its previous level.

I am unable to approve the item designated as a portion of Section 86, subsection 4a, second unnumbered paragraph, in its entirety. This paragraph restricts spending on the master's in social work program, the roadside vegetation project, and the Iowa office for staff development at the University of Northern Iowa. There is no reason to single these three areas out to be treated differently from all the other programs and activities at the University of Northern Iowa.

I am unable to approve the item designated as Section 96 in its entirety. This section delays by one year, until July 1, 2006, implementation of an evaluator training certification renewal program. We must continue to support the teacher quality initiative started a few years ago. In addition to increasing minimum teacher salaries and providing mentors, this initiative includes training programs for administrators who must evaluate teacher performance. Private foundation funds may be available to develop this training. The evaluator training certification renewal program also aids the department's efforts to meet federal No Child Left Behind highly qualified teacher expectations.

Division V

I am unable to approve the item designated as a portion of Section 102, subsection 1, paragraph c. This sentence would require the Department of Public Health to produce a report of all organizations that applied for substance abuse treatment funds, the amounts awarded, and the basis for refusal to award funds to any of the organizations that applied. In accordance with the Accountable Government Act, all substance abuse treatment and prevention grants are awarded on a competitive basis. The Healthy Iowans Tobacco Trust bill already requires the department to report on the success rates of substance abuse treatment programs. This item is duplicative and an unfunded mandate that takes time away from customers and communities for unnecessary reporting.

I am unable to approve the item designated as a portion of Section 106. This sentence directs the Department of Public Health to submit a report regarding a collaborative effort with the Department of Human Services to identify funding to leverage federal funds. The service to Iowans would be enhanced if department staff spent time identifying additional ways for the state to obtain all available federal matching funds and applying for other federal and private grants rather than drafting an unnecessary report.

I am unable to approve the item designated as Section 107 in its entirety. This section, relating to employment of a division administrator in the Department of Public Health for tobacco prevention efforts, is a duplication of language, although not identical, in House File 2577. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 111 in its entirety. This section provides additional language for an Iowa Marriage Initiative Grant Fund, and the language directs the Department of Human Services to initiate grants by specifying deadlines for issuing grants and reporting requirements where no funds are available for this purpose. The prior year funding referred to in the bill has been spent, and the legislature did not appropriate additional funding for this purpose. Therefore, this section is unnecessary.

I am unable to approve the item designated as a portion of Section 114. This sentence directs the Departments of Public Health and Human Services to submit a report regarding utilization of the food stamp program. Requiring a report will utilize additional resources that could be used for administering the program. This is an unnecessary reporting requirement at a time when funding for staff has been reduced.

I am unable to approve the item designated as Section 116, subsection 1, in its entirety. This language changes a long-standing agreement on the definition of

“medically necessary” as applied to conditions for the termination of pregnancy under the Medical Assistance Program. While the prior language may not have satisfied anyone completely, the terminology was based on a process of mutual discussion and agreement that struck a careful balance among people with deeply held convictions. Because this subsection alters that language and disrupts the balance that was previously agreed to without going through a similar process of mutual discussion and agreement, this paragraph is unacceptable. Federal regulations outline the conditions for the termination of pregnancy that qualify under the Medical Assistance Program and shall provide guidance to the department in administering this program.

I am unable to approve the item designated as Section 124, subsection 1, first unnumbered paragraph, in its entirety. This language directs the Department of Human Services to convene a group to review the Iowa Juvenile Home. Many previous studies have made recommendations and generally require additional funds to implement. I have, in fact, recommended funding to implement recommendations of previous studies that the legislature has chosen not to fund. It seems pointless to conduct another study when the issue is funding.

I am unable to approve the item designated as Section 125, subsection 17, in its entirety. This paragraph directs the Department of Human Services to develop a plan to privatize the administration of foster care and adoption programs. Given the fact that no additional funds were provided for this purpose and the child welfare redesign effort is already underway, implementation of this section is counterproductive.

I am unable to approve the item designated as a portion of Section 135, subsection 2. This sentence requires the Department of Human Services to submit proposed legislation to correct Code references related to service areas. This effort has already been completed with the enactment of House File 2390—technical changes to programs under the purview of the Department of Human Services. Therefore, this sentence is unnecessary.

I am unable to approve the item designated as Section 142 in its entirety. This section would require unspent funds remaining in the Medical Assistance Program account to carry forward into the next fiscal year. This language does not provide the executive branch the flexibility necessary to deal with the fiscal year 2004 budget that is needed. Additionally, it provides the use of one-time funding for ongoing purposes.

I am unable to approve the item designated as Section 147 in its entirety. This section creates a new network of faith-based and community-based organizations by taking nine staff away from their current work of providing child abuse assessments or managing services to families where abuse, neglect, or behavioral problems are present. If the legislature is serious about this effort, then additional funds should be appropriated and the program should provide for the coordination of all groups in Iowa providing community services that aid families.

I am unable to approve the item designated as Section 150 in its entirety. This section establishes a new Medical Assistance Mental Health Quality of Care Improvement Committee. The committee is directed to advise the Department of Human Services on the required implementation of clinical treatment algorithms for schizophrenia, major depressive disorder, and bipolar disorder, and a mental health polypharmacy review process. The legislature is sending mixed and contrary messages on drug utilization. Legislation already enacted contains costs through preferred drug

lists, prior authorization, and state maximum allowable costs for generic drugs. This proposal seems to countermand those efforts with an alternate methodology. Additionally, the state is recognized nationally for its mental health/substance abuse treatment contract. This proposal would put the current waiver and contract at risk, and that is unacceptable.

I approve Section 151, which establishes a Medical Assistance Crisis Intervention Team and directs the team to analyze the Medical Assistance Program and provide recommendations to reduce costs or provide revenue enhancements for the program. With the current federal government stance on eliminating intergovernmental transfers in the Medical Assistance Program, I am directing this team to examine options with and without the continuance of intergovernmental transfers as they conduct their work.

I am unable to approve the item designated as Section 162, subsection 3, in its entirety. This section provides the enactment clause for Section 142, relating to nonreversion and prohibited transfer of appropriations to the Medical Assistance Program, which is vetoed. Therefore, this section is unnecessary.

Division VI

I am unable to approve the item designated as Section 166 in its entirety. This section appropriates funds to the Insurance Division of the Department of Commerce to administer a long-term care insurance partnership program. This appropriation is linked to Senate File 2183 that makes changes to long-term care insurance provisions and providing asset and income disregards for Medicaid. While I am supportive of people incorporating long-term care insurance into their financial plans and future health needs, Senate File 2183, as drafted, expands the proposed benefit beyond those individuals accessing long-term care insurance. This language needs further legislative review, and I am directing the Department of Human Services and the Insurance Division to work with the legislature to achieve an appropriate solution.

Division IX

I am unable to approve the item designated as a portion of Section 186, subsection 2. This sentence grants immunity from civil or employer liability for a government entity or nonprofit agency using inmate labor. While I support the use of inmate labor for nonprofit and governmental entities, this language provides blanket immunity even in extreme cases. For example, if an inmate were to harm or even take the life of a person while working, regardless of whether it was accidental or intentional and regardless of negligence on the part of the employer, this provision would provide no mechanism for the victim's family to claim compensation for damages inflicted on the victim's spouse, children, or other family members. With the use of inmate labor comes the responsibility to exercise great care to protect the safety of the public, those who employ prison labor, and the inmates themselves.

I am unable to approve the item designated as a portion of Section 192, subsection 5, third unnumbered paragraph, in its entirety. This language redirects funds credited to the motor pool depreciation fund, a portion of which is federal funds, to the Department of Public Safety vehicle replacement. While a laudable goal, the impact is that other state employees will face consequences including unreliable vehicles for activities such as investigating child abuse complaints, transporting residents of

resource centers to their work, transporting juveniles residing at the Iowa Juvenile Home or Training Center to health care appointments, or the myriad of inspections such as food inspections, medical complaints, and others that keep Iowans safe. Merely shifting the funds around does not preclude the needed resources for all programs.

I am unable to approve the item designated as Section 198 in its entirety. This section has the potential to provide private drives through many state-owned recreational properties. Parceling off or dividing sections of recreational land from the public trust undermines the role and responsibilities as stewards of public land. Many state recreational lands have restrictions placed on them as a result of utilizing federal funds for management, development, or acquisition. Relinquishing control of this land requires federal coordination and precious state resources to replace it. State recreational areas are for public use and the benefit of everyone. They have never been intended and never should be considered for permanent private use by individuals.

I am unable to approve the item designated as Section 201 in its entirety. This section changes the income level guidelines from “at or below 125 percent” to “at or below 100 percent” of the U.S. poverty level for a person who is entitled to an attorney appointed by the court. Everyone is afforded the constitutional right to counsel, and we should not be attempting to restrict this right by lowering income guidelines. Instead, the legislature should focus its attention on providing adequate funding for indigent defense and the State Public Defenders Office.

Division X

I am unable to approve the item designated as Section 217 in its entirety. This section requires state departments return to the general fund at the end of the fiscal year any part of an appropriation associated with a full-time position that is vacant during the fiscal year. This gives departments very few options other than cutting services to balance their operations budgets. For example, once an employee leaves, departments make a lump-sum payout for the value of the employee’s unused vacation. In practice, departments generally hold positions open for the amount of time necessary to make those payouts. Under this language, that practice would trigger a reversion of the amount to the general fund at the end of the year. In essence, the department must pay twice. The language also limits the ability of departments to utilize the Early Out program or other employee attrition to cover budget reductions. Given that department budgets have been reduced on numerous occasions over the past three years, this section is unworkable and unwise micromanagement of executive branch operations.

I am unable to approve the item designated as Section 225 in its entirety. The Iowa Supreme Court, in Meyer v. Employment Appeal Board, 441 N.W.2d 766, and Area Education Agency 7 v. Bauch, 646 N.W.2d 398, has determined that deferred wages are actually payable when earned. The Court has held that once the school year ends, a school district employee is no longer drawing “a wage,” but rather collecting “past earnings due.” Gross earnings should be calculated by using the amount earned rather than the amount actually paid. Section 225 significantly diminishes established property rights that accrue to a school district employee by redrafting a statutory provision clearly interpreted by the Court. Workers’ compensation weekly benefits are intended to replace earnings that are lost while the employee is disabled and is based upon the rate at which the employee earns. Earning capacity is best reflected by what

an employer is willing to pay an employee in return for services performed. Since the Court has already determined that the proper rate at which the employee earns should be based on the time during which services are provided and because Section 225 would unfairly alter the property rights that accrue to school district employees, I am unable to approve this section.

I am unable to approve the items designated as Sections 229, 239, and 240 in their entirety. These three sections require the Department of Education, local school boards, and area education agencies to submit data annually on the salaries and benefits of administrators and increases for employees' salaries and group health insurance plans. The reporting required in these sections duplicates information already collected by the department and the level of detail specified is not necessary to support policy development and decision-making.

I am unable to approve the item designated as Section 230 in its entirety. This section requires the Department of Education to report in detail on Class Size/Early Intervention expenditures. The department already provides a lengthy report on this topic. The additional data collection and reporting required in this section is unnecessary.

I am unable to approve the item designated as Section 241 in its entirety. This section requires local school boards to examine expenditures and identify potential cost savings. I believe every school board in the state understands its responsibilities to the citizens of Iowa to be sound stewards of tax dollars. With the limited state aid funding provided to school districts in recent years, school boards already study these items and look for opportunities to reduce operating expenditures. The directive in this legislation goes far beyond what is necessary for prudent management of school districts and incorporates reporting requirements that will create an onerous burden on already strapped administrators.

I am unable to approve the items designated as Section 242, subsections 2 through 4, and the items designated as Sections 243 through 246 in their entirety. These sections create an Iowa Learning Technology Initiative. While I am supportive of providing technology training and learning opportunities for Iowa's children, there is no state funding available for this initiative. If private funds are raised, I am committed to directing the Department of Education to work with the donors to advance the plan. In the meantime, the department will coordinate a committee effort to study teacher and student technology needs across the educational system so that Iowa-specific information is available on this subject.

I am unable to approve the item designated as Section 261 in its entirety. The proposed exemption under this section sets a precedent contrary to Iowa's waste management hierarchy, by reducing the cost of disposal for one specific waste stream. Shredder fluff has no inherent characteristics that would lead to its exemption from tonnage fees.

I am unable to approve the item designated as Section 263 in its entirety. This section is contingent upon the enactment of House File 2440, which was vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 276 in its entirety. This section requires the Board of Regents to develop and implement a policy for

“addressing the budget ramifications associated with unfilled vacant positions.” Regent institutions are not provided appropriations based on specific positions and full-time equivalent caps, so this policy would serve no useful purpose. Regent institutions require the flexibility to, among other things, use positions to meet student demand and to address patient volumes at the University of Iowa Hospital and Clinics. This is further micromanaging that will serve no useful purpose and drain resources from more productive responsibilities.

I am unable to approve the item designated as Section 278 in its entirety. This section provides for a refund to an individual that exhausted the administrative appeals process and is not entitled to a refund from the state. Judgments on issues such as this should be made based on the facts of the circumstances and the process established by law, not on political connections with individual legislators.

I am unable to approve the item designated as Section 285 in its entirety. This section eliminates the 30-day deadline for enacting the School Foundation Aid allowable growth percentage and the requirement that the allowable growth rate be the only subject matter of the bill for the 2004 legislative session. The legislature included this language because they failed to comply with Iowa law by failing to set the growth rate for Iowa’s school districts until months after the deadline. This delay is unacceptable and hinders the ability of Iowa’s school districts to plan for future years. It is difficult to expect our school children to respect and follow the law when lawmakers are unwilling or unable to do the same.

I am unable to approve the item designated as Section 287, subsection 4, in its entirety. This section provides the enactment clause for Section 278, relating to refund for commercial vehicle registration fees, which is vetoed. Therefore, this section is unnecessary.

Division XI

I am unable to approve the item designated as Section 288, subsection 1g, in its entirety. This subsection appropriates \$1,770,000 from the Rebuild Iowa Infrastructure Fund for capitol interior restoration. The legislature’s approval of funding for this project at the expense of fully funding the Secure an Advanced Vision for Education Fund in Section 299 validates that they are more interested in spending money to remodel their chambers and offices than they are in meeting their obligation to provide funds for critical repairs and improvements to local schools. In taking this action, I am putting schools first.

I am unable to approve the item designated as Section 288, subsection 8, in its entirety. This subsection provides \$250,000 to construct a new residential treatment facility for youth. I am unable to support providing funds for this type of special interest pork barrel project. This is not a prudent expenditure of taxpayer dollars for the construction of a new facility when existing facilities are closing because the legislature failed to provide sufficient child welfare funds for the beds that currently exist.

I am unable to approve the item designated as Section 299 in its entirety. This section caps the amount of Rebuild Iowa Infrastructure Fund moneys appropriated to the Secure an Advanced Vision for Education Fund in fiscal year 2005 at \$8,160,000 instead of the \$10 million in current law. The actions being taken in this bill to

eliminate less important projects will allow Iowa schools to receive the full \$10 million for local school infrastructure projects. Iowa voters in 88 counties have approved the local option sales tax for school infrastructure improvements, and they are counting on the state to provide the necessary matching money to fully fund these critical projects. In taking this action, I am keeping my commitment to fund school infrastructure even if the legislature failed to do so.

Division XII

I approve the item designated as Section 301, subsection 1c, second unnumbered paragraph. However, I am concerned that this section specifies a single organization to conduct these efforts, given the complaints expressed to the executive branch by the legislature's Oversight Committee regarding sole source contracting. I caution the legislature that this form of sole source contracting does not follow good business practices. Competitive bidding for state contracts ensures accountability and efficient use of public resources. I encourage the Department of Agriculture and Land Stewardship to conduct a detailed review of the expenditure of these funds to ensure proper accountability.

Division XIII

I am unable to approve the item designated as Section 304, subsection 1b, first unnumbered paragraph, in its entirety. This language requires the Department of Administrative Services to consult with legislative leadership prior to planning or implementing any capitol interior restoration project or other activity. This language represents the legislature's attempt to micromanage a function of the executive branch. This paragraph contains language that is unnecessary and prescribes burdensome requirements on the department which can, at times, be very difficult to fulfill.

Division XIV

I am unable to approve the item designated as Section 311, second unnumbered paragraph, in its entirety. The federal Help America Vote Act (HAVA) legislation requires the chief state election official to distribute HAVA funds to Iowa's 99 counties. It is unnecessary and burdensome to place specific restrictions on the Secretary of State's office in implementing HAVA requirements. Additional state legislative mandates only create another level of bureaucratic red tape and are detrimental to the effective, statewide implementation of HAVA.

I am unable to approve the item designated as Section 315 in its entirety. This section requires the Iowa Finance Authority Board to declare a surplus from bond proceed reserves and transfer this surplus to the State Housing Trust Fund. Such a legislative mandate has a very negative impact on the authority's bond ratings. National credit rating agencies such as Moody's and Standard and Poor's have suggested such mandates could result in downgrades or negative watches on future authority bond offerings. Lower bond ratings would drive up interest rates and increase the cost of loans made to first time homebuyers and other bonding programs operated by the authority. The Iowa Finance Authority is committed to finding additional resources for the State Housing Trust Fund that will not negatively impact their bond rating.

Division XV

I am unable to approve the item designated as Section 319 in its entirety. This section amends Code Section 80.9, subsection 2, paragraph f, by placing sole responsibility for executive branch capitol complex security in the Department of Public Safety. The state would be better served by a cooperative, joint security effort between the Departments of Public Safety and Administrative Services and the Homeland Security/Emergency Management Division. Proper competitive procedures can be followed, as well as the proper placement of functions and staff.

Division XVI

I am unable to approve the items designated as Section 322, subsection 4, paragraphs b, c, and d, in their entirety. These paragraphs appropriate money from the Rebuild Iowa Infrastructure Fund account to the new Vertical Infrastructure Fund. I have maintained the allocation of \$15 million in fiscal year 2006 to this fund. Beyond that, the designated paragraphs appropriate \$50 million in fiscal year 2007, \$75 million in fiscal year 2008, and \$100 million in fiscal year 2009 and thereafter. This session, the legislature approved and I signed into law House File 2302, a bill making comprehensive changes to Iowa's gaming laws. The gaming law changes approved will provide the state with additional resources from gambling activities; however, the additional amount that will be generated by these changes is difficult to project absent more information about expanded facilities and products. It is not prudent to put into law, at this time, significant future allocations from the Rebuild Iowa Infrastructure Fund given the absence of revenue to meet those expenditures. I am willing to revisit this issue when more accurate information on projected gaming receipts is available.

I am unable to approve the item designated as Section 335 in its entirety. This section pertains to county agreements with the Iowa Department of Transportation related to disposition of county property. There is a question of precision in defining the application of this section.

I am unable to approve the item designated as Section 336 in its entirety. This section is contingent upon the enactment of Senate File 2295, which was vetoed. Therefore, this section is unnecessary.

I am unable to approve the item designated as Section 344 in its entirety. This section requires Cherokee Mental Health Institute to leave space vacant if vacated by current tenants. This directive hampers the institution's ability to gain revenues from leasing available space or utilizing space in the most efficient way. This section further requires the department to develop a plan to address treatment needs of persons with a developmental disability who exhibit sexually violent behavior; however, no funding is provided for developing such a plan.

Division XVII

I am unable to approve the item designated as Section 354 in its entirety. This section is contingent upon the enactment of House File 2434, which was not approved by the legislature. Therefore, this section is unnecessary.

Division XIX

I am unable to approve the item designated as Section 403 in its entirety. This section establishes a Regulatory Efficiency Commission. Creating such a commission is duplicative of efforts already underway to comprehensively review regulatory rules as well as regulatory processes of state government and implement business process improvement techniques to enhance efficiency and improve service. This is a collaborative effort including a number of state departments, private industry representatives, and the Iowa Business Council. Iowa companies have already reaped the benefits of this process through a reduction in the time it takes to process an air quality permit. Similar efforts are underway with wastewater permits and a variety of other regulatory processes throughout state government. Appointing a new commission will slow this progress down and divert efforts away from actually improving Iowa's regulatory assistance and creating a more streamlined government.

Division XX

I approve the items designated as Sections 404 through 418 in their entirety, even though the legislature made a mistake in the drafting of this language resulting in no incentive for wind energy production. I am willing to work with the legislature next year to ensure that wind energy grows, but not at the risk of other priorities of Iowans. We must ensure that local governments and schools are not hurt by unintended consequences. Therefore, I ask legislative leaders to work with me over the interim to strike the appropriate balance of providing economic incentives for wind energy without devastating other priorities at the state and local level.

I am unable to approve the items designated as Sections 440 and 441 in their entirety. These sections establish and repeal a new state tax implementation committee. Two years ago, I recommended that the Department of Revenue conduct a two-year tax fairness study and provided \$400,000 for staff and support. In contrast, the legislature continually fails to devote sufficient time or resources to make this study workable. Under the framework devised, in less than a year's time, the committee and the Departments of Revenue and Management are charged with reviewing and analyzing all revenue sources available to the state; all current exemptions, credits and exclusions; all revenue sources available to local governments; all services provided by local government; the role of property taxes in funding local government, including examining the state school aid formula; alternative systems of property taxation, protesting property assessments; and methods of controlling property tax revenues and expenditures. To accomplish all this, the legislature appropriated a meager \$50,000.

In the past, the legislature has devoted as much as two years to tax studies that were not nearly as broad as this one. Last year, the legislature assembled a similar group charged with making recommendations for changes to the property tax system alone; after a year of study and meeting, the group has yet to make substantive recommendations for reform. Iowa's tax structure must be reviewed and reformed. Our property tax system is outdated and unfair. Until the legislature gets serious about tax reform, these insufficient attempts to study the issue are a waste of limited time and resources.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16, of the Constitution of the State of Iowa. All other items in Senate File 2298 are hereby approved as of this date.

Sincerely,
THOMAS J. VILSACK
Governor

GOVERNOR'S VETO MESSAGES

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2121, an act exempting certain environmental test laboratory services from the state sales and use taxes.

Iowa's personal and sales tax rates rank near the middle when compared with other states. Our corporate income tax rate is one of the most competitive in the nation; in fact, environmental testing labs benefit from Iowa's single factor apportionment formula regarding corporate income tax liability. However, we score lower when compared with other states in tax fairness because we have a large number of sales tax exemptions that have been enacted in the last decade. Our sales tax burden is heavier on the average Iowan and grows considerably unfair when additional exemptions are included.

This is why, in my Condition of the State address in January, I called on the legislature to modernize the sales tax structure to more fairly and accurately reflect Iowa's new economy where services represent the fastest growing segment. Broadening the sales tax base while lowering the overall sales tax rate over time would bring a larger degree of fairness while ensuring necessary resources to fund our priorities. This bill would work counter to that effort by providing an additional sales tax exemption.

This bill would also reduce resources available for the Iowa Values Fund. This year, I proposed a permanent funding source for that fund, but the legislature failed to enact it. As a result, the Iowa Values Fund will only receive additional resources if sales tax revenue grows by more than 2 percent each year. This bill, by reducing sales tax collections, would make it all that much more difficult to provide resources for economic development.

The environmental test laboratory services are an important industry, especially in Iowa as we value safe and clean water. Several Iowa environmental labs compete nationally with labs from other states. Many of the out-of-state labs do not charge Iowa sales tax on business in Iowa. This places our labs in a noncompetitive situation; therefore, I direct the Department of Revenue to vigorously enforce our sales tax laws

on all out-of-state lab companies that offer services in Iowa so as to level the playing field with Iowa-based labs.

For the above reasons, I hereby respectfully disapprove Senate File 2121. Iowa remains a competitive state in which to do business, and our Department of Economic Development is committed to providing support to the environmental test labs businesses interested in creating jobs in Iowa.

Sincerely,
THOMAS J. VILSACK
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2183, an act relating to asset disregard under the medical assistance program for the purchase of a qualified long-term care insurance policy, providing for a repeal, and providing a contingent effective date.

I am unable to approve Senate File 2183 for the following reasons. The policy behind this legislation is very sound and one which I support. However, there are numerous problems in the drafting of this bill. Senate File 2183 proposes to recast and amend current Iowa Code Chapter 249G (Long-term Care Asset Preservation Program) as new Iowa Code Chapter 249J. Iowa Code 249G was adopted in 1993 to take advantage of a waiver from the U.S. Department of Health and Human Services (HHS) which allowed states to offer incentive programs for long-term care insurance. Iowa is one of five states that have such a waiver. States obtained initial grants from various sources to launch these programs and all are now state-funded. However, no grants or appropriations are provided for this program in Iowa.

In addition to a lack of funding, there are several provisions in this bill that make it difficult for the Iowa Insurance Division (IID) to administer.

1. Section 5: Subsections 249J.5(1)(a) and (b) appear to conflict. Subsection (1)(a) calls for purchase of a policy that is roughly equivalent to the current cost of a three-year stay in a nursing home in Iowa. This subsection sets one standard for policies purchased before January 1, 2004, and another for policies purchased after that date. Subsection (1)(b) appears to be copied directly from Indiana law, which amended its law in 1998. There is no legal reason for Iowa to focus on the date of January 1, 1998. The variance in minimum policy benefit levels between sub (a) and sub (b) and, i.e. \$100,000 vs. \$140,000 is not explained. At a minimum, these differences will create consumer confusion and make drafting of administrative rules difficult.

2. **Effective Date:** If Senate File 2183 becomes law, it will take effect on July 1, 2004. As a practical matter, this program cannot take effect until the state Medicaid plan is amended. This requires DHS to obtain approval by the federal government. It is unknown how long this process could take. The IID is directed to adopt rules to implement the program. Rulemaking cannot commence until the Medicaid amendments are in place. To allow time for this process, the legislation should not take effect until at least six months after the Medicaid plan amendments are approved.
3. **Funding:** Section 13 of the bill states that the program is established only if funding is specifically appropriated. The initial version of this bill called for the IID to promote this program and to conduct consumer education. That version contained an appropriation of \$300,000. The appropriation was stricken, but the language in Section 13 remains. It thus appears that this legislation cannot become effective unless funds are appropriated through some other mechanism.
4. **Administration:** This program would be easier to administer if it contained some mechanism for the minimum policy face amount to increase over time. For example, a chart that presumes a certain level of inflation could be adopted for the first five years or the Insurance Commissioner could be directed to make a finding every two years of the cost of a three-year stay.
5. **Waiver:** Iowa Code 249G.2(1) directs the DHS to obtain a waiver from HHS. This waiver has been obtained. Senate File 2183 repeals Code Section 249G and does not include any reference to the waiver provisions in the proposed new Section 249J.

In addition to these technical and administrative problems, there is a significant unintended fiscal impact to Iowa's Medicaid program, specifically as it impacts the medically needy. Currently applicants must spend their assets down to less than \$2,000 before they qualify for payment of nursing facility services. By covering nursing facility services under the Medically Needy program, applicants will only be required to spend their assets down to less than \$10,000. This higher resource limit will result in approximately 6,000 applicants each year that will qualify for coverage of nursing facility services two months earlier than they would under the current rules. This results in Medicaid covering an additional 12,000 months of nursing facility services per year. The fiscal impact is estimated to be about \$12 million to the state general fund and about \$32.4 million in state and federal funds.

There is some additional confusion. The bill directs the Department of Human Services to amend the state plan to cover nursing facility services using the special income rule (three times the SSI limit) for the medically needy without requiring the individual to establish a qualifying income trust. Using the special income rule for nursing facility coverage under Medically Needy is in conflict with federal law. However, it appears that this legislation would still require us to cover nursing facility services under the Medically Needy program using the current income limit.

This legislation in its current form creates significant administrative and fiscal problems. I encourage the legislature to revisit this issue next year and propose workable legislation that fixes the problems with Section 249G and thus make available to consumers an incentive to plan for their own long-term care needs.

For the above reasons, I hereby respectfully disapprove Senate File 2183.

Sincerely,
THOMAS J. VILSACK
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2190, an act relating to the development of the long-term care system in Iowa.

With the establishment of the Senior Living Trust, Iowa began the formation of a three-pronged long-term care system. Today, in-home care, assisted living, and skilled nursing care are available to Iowans. Iowa must continue the course begun with the Senior Living Trust.

Another task force, especially one that does not draw on the expertise of those providing care or the executive branch department employees involved in elder care, will not improve our current system. The legislation establishes a task force, which is not designed to make meaningful recommendations; for that reason, I cannot and will not approve Senate File 2190.

What is needed is continued evaluations between the Department of Elder Affairs, Department of Human Services, and Department of Inspections and Appeals with the assistance of experts in the field of long-term care to make recommendations as to how Iowa could build upon the system already in place. With this veto message, I am directing the department heads from the aforementioned agencies to prepare a joint and agreed-upon report with recommendations for improvements to our current long-term care system. I expect that report no later than October 1, 2004. The directors should seek to comply with the spirit of Senate File 2190 by outlining practices and benchmarks by which to gauge short-term and long-term success.

For the above reasons, I hereby respectfully disapprove Senate File 2190.

Sincerely,
THOMAS J. VILSACK
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2295, an act allowing individual income tax credits for contributions made to certain school tuition organizations and including an applicability date provision.

I am unable to approve Senate File 2295. This bill allows a tax credit for contributions to school tuition organizations for educational scholarships or tuition grants to children in nonpublic accredited schools. The bill provides an income tax credit of 75 percent of voluntary cash contributions, up to \$700 per single individual or \$800 for a married couple. No cap on the annual total was implemented and the contributions could be substantial. This bill does not allow an equal tax credit for contributions to public schools.

I understand the rationale behind Senate File 2295. Proponents urge approval predicated on the alternative they believe private schools provide to public education. Proponents also urge that the proposal, while costing the general fund initially, will save the state resources in the long term as fewer children will attend public schools thereby relieving state aid.

Despite the best intentions behind Senate File 2295, I cannot and will not approve it at this time. If anything is certain this year in Iowa, it is that resources available to support public education were inadequate. The legislature neither provided full funding for allowable growth nor did the legislature provide resources to move beyond the status quo of our groundbreaking teacher compensation and student achievement effort. As long as our public school system needs resources, priorities dictate that incentives to encourage support for private schools should not be encouraged—particularly when they reduce future available resources.

In the next two years, more than \$65 million of tax cuts authorized but not yet implemented must be covered by revenue growth or cuts in education, health care, and public safety. Senate File 2295 conservatively would add another \$3.6 million to that total and might be substantially more if other states' experiences with this mechanism to support private schools is replicated in Iowa. We should not add to that total until revenues stabilize and priorities are adequately funded.

For the above reasons, I hereby respectfully disapprove Senate File 2295.

Sincerely,
THOMAS J. VILSACK
Governor

May 14, 2004

The Honorable Chester Culver
Secretary of State
State Capitol Building
L O C A L

Dear Mr. Secretary:

I hereby transmit Senate File 2303, an act providing for an individual income tax deduction for contributions made to a qualified tuition program established by certain educational institutions and including effective and retroactive applicability date provisions.

I am unable to approve Senate File 2303. This bill allows Iowa income tax deductions for contributions made to qualified tuition programs established by educational institutions, namely the Independent 529 Plan. The Independent 529 Plan is a counterpart to College Savings Iowa which was established five years ago and is recognized as one of the nation's best plans. No other state has broadened the state tax deductibility to Independent 529 Plans.

Independent 529 Plans require the schools to offer prepaid plans. Many states that have sponsored similar plans across the country have suspended offering these plans to new students or participants because they are not financially sound.

The bill reduces state revenue at a time when the legislature is struggling to find adequate resources for the education, health care, and public safety that Iowans value. I recognize that the amount of reduction appears minimal, but common sense suggests that you do not reduce revenue by any amount until you have adequate revenue to meet priority needs.

For the above reasons, I hereby respectfully disapprove Senate File 2303.

Sincerely,
THOMAS J. VILSACK
Governor

AMENDMENTS FILED
EIGHTIETH GENERAL ASSEMBLY
2004 REGULAR SESSION

S-5001

1 Amend Senate Concurrent Resolution 101 as follows:
2 1. Page 3, by inserting after line 15, the
3 following:
4 "BE IT FURTHER RESOLVED, That the United States
5 Department of Agriculture consult and cooperate with
6 state animal health officials, including officials in
7 leading agricultural states such as Iowa, in
8 developing and implementing systems necessary to
9 preserve the integrity of this nation's food supply;
10 and
11 BE IT FURTHER RESOLVED, That the United States
12 Congress and the United States Department of
13 Agriculture fully fund the development and
14 implementation of any such systems in order to provide
15 a degree of relief to the agricultural community,
16 including farmers and ranchers, who will share
17 responsibility for a national system for identifying
18 and tracing livestock; and".

DAVID JOHNSON

S-5002

1 Amend Senate File 2066 as follows:
2 1. Page 1, line 19, by striking the words "~~three~~
3 six" and inserting the following: "three".
4 2. Page 1, line 26, by striking the words "~~three~~
5 six" and inserting the following: "three".
6 3. Page 2, line 10, by striking the word "six"
7 and inserting the following: "three".
8 4. Page 2, line 11, by striking the word "six"
9 and inserting the following: "three".

BOB BRUNKHORST

S-5003

1 Amend House File 2039, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 7, the
4 following:
5 "Sec. ____ Section 8.54, subsection 1, Code 2003,

6 is amended by adding the following new paragraph
 7 before paragraph a and relettering the succeeding
 8 paragraphs:
 9 NEW PARAGRAPH. 1a. "Actual revenue" is the amount
 10 of revenue credited to the general fund of the state
 11 during a designated period."
 12 2. Page 1, by striking lines 13 through 16, and
 13 inserting the following:
 14 "3. Except as otherwise provided in this section,
 15 the state general fund expenditure limitation for a
 16 fiscal year shall be ninety-nine percent of the
 17 adjusted revenue estimate. However, the general
 18 assembly may utilize a state general fund expenditure
 19 limitation for a fiscal year of ninety-eight percent
 20 of the adjusted revenue estimate provided all of the
 21 following conditions are met:
 22 a. At the time the revenue estimating conference
 23 agrees to a revenue estimate used to establish the
 24 appropriate adjusted revenue estimate for a fiscal
 25 year, the conference agrees to an estimate for the
 26 amount of revenue to be credited to the general fund
 27 of the state during the fiscal year in progress that
 28 is more than one hundred two percent of the actual
 29 revenue credited to the general fund of the state at
 30 the close of the most recently completed fiscal year.
 31 b. The general assembly determines that an
 32 expenditure limitation based upon ninety-eight percent
 33 of the adjusted revenue estimate will provide
 34 sufficient general fund revenue to continue the
 35 enacted appropriation amounts for the fiscal year in
 36 progress plus the additional amount needed to provide
 37 for full funding of the increase in state payments
 38 under the state school foundation program resulting
 39 from the increase in allowable growth, standing
 40 appropriations, and contractual obligations.
 41 c. Prior to passage of bills making appropriations
 42 for that fiscal year, the general assembly approves a
 43 bill formally confirming and stating the determination
 44 required by paragraph "b."
 45 3. By renumbering as necessary.

KEITH A. KREIMAN
 HERMAN C. QUIRMBACH

S-5004

1 Amend House File 2039, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 1, line 8 through page 2,
 4 line 21 and inserting the following:
 5 "Sec. ___. SENIOR LIVING TRUST FUND. There is
 6 appropriated from the general fund of the state to the

- 7 senior living trust fund for the fiscal year beginning
 8 July 1, 2004, and ending June 30, 2005, the following
 9 amount:
 10 \$ 118,000,000
 11 Sec. ____ Section 8.55, subsection 2, paragraph c,
 12 Code Supplement 2003, is amended by striking the
 13 paragraph.”
 14 2. Page 2, line 23, by striking the figure “1.”
 15 3. By striking page 2, line 27 through page 3,
 16 line 2.
 17 4. Title page, by striking lines 1 through 7 and
 18 inserting the following: “An Act relating to state
 19 budget provisions involving the general fund of the
 20 state, senior living trust fund, and state reserve
 21 funds by making appropriations and including an
 22 effective date and applicability provision.”
 23 5. By renumbering as necessary.

GENE FRAISE
 DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 MIKE CONNOLLY
 THOMAS G. COURTNEY
 DICK L. DEARDEN
 WILLIAM A. DOTZLER, JR.
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 JACK HATCH
 JACK HOLVECK
 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN
 JOE M. SENG
 ROGER STEWART

S-5005

- 1 Amend Senate File 2102 as follows:
 2 1. Page 11, by inserting after line 1, the
 3 following:
 4 “Sec. ____ Section 262B.1, Code Supplement 2003,
 5 is amended by striking the section and inserting in
 6 lieu thereof the following:
 7 262B.1 TITLE.
 8 This chapter shall be known and may be cited as the
 9 “University-Based Research and Economic Development
 10 Act”.
 11 Sec. ____ Section 262B.2, Code Supplement 2003, is

12 amended by striking the section and inserting in lieu
13 thereof the following:

14 262B.2 LEGISLATIVE INTENT.

15 It is the intent of the general assembly to provide
16 support for mechanisms for encouraging the
17 coordination of pure and applied research at the state
18 board of regents institutions. The purpose is to
19 maximize and promote the economic benefit which may be
20 derived from research. This is to be done by
21 increased coordination with the Iowa department of
22 economic development and encouragement of the transfer
23 of research results to the private sector.

24 Sec. ____ Section 262B.3, Code Supplement 2003, is
25 amended by striking the section and inserting in lieu
26 thereof the following:

27 262B.3 ESTABLISHMENT OF CONSORTIUM.

28 The board of regents or the universities under its
29 jurisdiction shall establish consortiums for the
30 purpose of carrying out the intent of this chapter.
31 The majority of consortium members shall be from the
32 university community and the balance of members shall
33 be from private industry. The members of the
34 consortium shall be appointed by the president of the
35 convening university and will serve at the pleasure of
36 the president.

37 Sec. ____ NEW SECTION. 262B.4 DUTIES OF THE
38 CONSORTIUM.

39 1. Each consortium shall assist the university in
40 efforts to maximize the economic benefits outlined in
41 section 262B.2. More specifically, it shall assist
42 the university by making recommendations for:

- 43 a. The development of strategies and materials
- 44 useful in marketing university resources to out-of-
- 45 state firms interested in an Iowa site.
- 46 b. Matching university resources with the needs of
- 47 existing Iowa firms.
- 48 c. Evaluation of university research for
- 49 commercial potential.
- 50 d. The development of a plan that will improve

Page 2

1 private sector access to the university and the
2 transfer of technology from the university to the
3 private sector.

4 2. In order to carry out its objectives, the
5 consortium shall perform, but is not limited to, the
6 following tasks:

- 7 a. Receive and review selected research synopses.
- 8 b. Disseminate information on research activities
- 9 of the university.
- 10 c. Identify research needs of existing Iowa

11 businesses and recommend ways in which the university
12 can meet these needs.

13 d. On a case-by-case basis, suggest business and
14 financial tactics useful in realizing the commercial
15 potential of university research projects.

16 e. Provide applied technical referral services, if
17 appropriate, including but not limited to the
18 following duties:

19 (1) To determine and evaluate the research or
20 applied technology needs of businesses and farms
21 requesting assistance.

22 (2) To recommend technology transfer strategies to
23 farms for more efficient production of agricultural
24 commodities, or to businesses for developing and
25 testing new products, adapting new technologies to
26 manufacturing processes or methods, conducting
27 marketing analyses of new products or processes, and
28 identifying potential financing on new technology-
29 based products or manufacturing processes.

30 (3) To refer businesses and farmers to
31 universities, community colleges, small business
32 development centers, other private businesses, and
33 other research and technology transfer activities and
34 programs which are beneficial to the development of
35 new products and the application of technology.

36 Sec. ____ Section 262B.5, Code Supplement 2003, is
37 amended by striking the section and inserting in lieu
38 thereof the following:

39 262B.5 REGENTS AND DEPARTMENT OF ECONOMIC
40 DEVELOPMENT.

41 The state board of regents and the Iowa department
42 of economic development shall enter into an agreement
43 under chapter 28E to coordinate and facilitate the
44 activities of the consortiums. The state board of
45 regents and the Iowa department of economic
46 development shall report annually to the governor and
47 the general assembly concerning the activities of the
48 consortiums.”

49 2. Page 25, by inserting after line 31, the
50 following:

Page 3

1 “Sec. ____ Section 455B.423, subsection 1, Code
2 2003, is amended to read as follows:

3 1. A hazardous substance remedial fund is created
4 within the state treasury. Moneys received from fees,
5 penalties, general revenue, federal funds, gifts,
6 bequests, donations, or other moneys so designated
7 shall be deposited in the state treasury to the credit
8 of the fund. Any unexpended balance in the remedial
9 fund at the end of each fiscal year shall be retained

10 in the fund. ~~However, any unexpended balance shall be~~
 11 ~~transferred to the general fund to replace funds~~
 12 ~~appropriated from the general fund during fiscal year~~
 13 ~~1985 and fiscal year 1986 for the purposes for which~~
 14 ~~expenditures from the remedial fund are allowed.”~~

15 3. Page 31, by inserting after line 7, the
 16 following:

17 “Sec. ____ Section 533C.103, subsection 4, Code
 18 Supplement 2003, is amended to read as follows:

19 4. ~~A~~ The following entities whether chartered or
 20 organized under the laws of a state or of the United
 21 States: a bank, bank holding company, savings and
 22 loan association, savings bank, credit union, office
 23 of an international banking corporation, branch of a
 24 foreign bank, corporation organized pursuant to the
 25 federal Bank Service Company Act, 12 U.S.C. §
 26 1861–1867, or corporation organized under the federal
 27 Edge Act, 12 U.S.C. § 611–633, ~~under the laws of a~~
 28 ~~state or the United States.”~~

29 4. Page 32, line 34, by striking the word “the”
 30 and inserting the following: “~~the~~”.

31 5. Page 38, line 17, by striking the word “the”
 32 and inserting the following: “~~the~~”.

33 6. Page 38, by striking line 18, and inserting
 34 the following: “; the Iowa economic”.

35 7. Page 39, by inserting after line 4, the
 36 following:

37 “5. The sections of this Act striking and
 38 replacing sections 262B.1 through 262B.3, Code
 39 Supplement 2003, enacting new Code section 262B.4, and
 40 striking and replacing section 262B.5, Code Supplement
 41 2003, take effect June 30, 2010.”

42 8. By numbering and renumbering as necessary.

COMMITTEE ON JUDICIARY
 DONALD B. REDFERN, Chair

S-5006

1 Amend the House amendment, S-3334, to Senate File
 2 344, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. By striking page 1, line 5, through page 7,
 5 line 12, and inserting the following:

6 “Section 1. Section 625A.9, subsection 2, Code
 7 Supplement 2003, is amended to read as follows:

8 2. If the judgment or order appealed from is for
 9 money, such bond shall not exceed one hundred ten
 10 percent of the amount of the money judgment or twenty-
 11 five million dollars, whichever is less.

12 Sec. 2. APPLICABILITY. This Act applies to cases
 13 filed on or after July 1, 2004.”

14 _____. Title page, by striking lines 1 through 7
15 and inserting the following: “An Act relating to a
16 monetary limit on an appeal bond and providing an
17 applicability date.””

RON WIECK

S-5007

1 Amend Senate File 2070 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. Section 321.1, subsection 20B, Code
5 Supplement 2003, is amended to read as follows:
6 20B. “Electric personal assistive mobility device”
7 means a self-balancing, nontandem two-wheeled device
8 powered by an electric propulsion system that averages
9 seven hundred fifty watts, ~~has two nontandem wheels,~~
10 and is designed to transport one person, with a
11 maximum speed on a paved level surface of less than
12 twenty miles per hour. The maximum speed shall be
13 calculated based on operation of the device by a
14 person who weighs one hundred seventy pounds when the
15 device is powered solely by the electric propulsion
16 system. For purposes of this chapter, “electric
17 personal assistive mobility device” does not include
18 an assistive device as defined in section 216E.1.”
19 2. Page 19, by inserting after line 3 the
20 following:
21 “Sec. _____. Section 321.235A, unnumbered paragraph
22 1, Code 2003, is amended to read as follows:
23 An electric personal assistive mobility device,
24 which is a two-wheeled device as defined in section
25 321.1, subsection 20B, may be operated by a person at
26 least sixteen years of age on sidewalks and bikeways
27 in accordance with this section.”
28 3. Page 20, by inserting after line 23 the
29 following:
30 “5. The sections of this Act amending section
31 321.1, subsection 20B, and section 321.235A,
32 unnumbered paragraph 1, being deemed of immediate
33 importance, take effect upon enactment.”
34 4. Page 20, line 24, by striking the figure “5.”
35 and inserting the following: “6.”
36 5. Title page, line 3, by inserting after the
37 word “vehicles” the following: “, regulation of
38 electric personal assistive mobility devices.”.
39 6. By renumbering as necessary.

JOHN P. KIBBIE
JOHN PUTNEY

KEITH A. KREIMAN
JULIE M. HOSCH

S-5008

1 Amend Senate File 2124 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 22, and inserting the following:

4 “Section 1. Section 257.8, subsection 1, Code
5 Supplement 2003, is amended to read as follows:

6 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
7 ~~growth for the budget year beginning July 1, 2003, is~~
8 ~~two percent.~~ The state percent of growth for the
9 budget year beginning July 1, 2004, is two percent.
10 The state percent of growth for the budget year
11 beginning July 1, 2005, is four percent. The state
12 percent of growth for each subsequent budget year
13 shall be established by statute which shall be enacted
14 within thirty days of the submission in the year
15 preceding the base year of the governor’s budget under
16 section 8.21. The establishment of the state percent
17 of growth for a budget year shall be the only subject
18 matter of the bill which enacts the state percent of
19 growth for a budget year.”

20 2. Page 2, by inserting after line 22 the
21 following:

22 “Sec. 2. STUDENT ACHIEVEMENT AND TEACHER QUALITY
23 PROGRAM. Notwithstanding section 257.8, subsection 1,
24 it is the intent of the general assembly that the
25 appropriation for the student achievement and teacher
26 quality program established in section 284.1 for the
27 fiscal year beginning July 1, 2005, shall be increased
28 by at least forty-four million dollars over the amount
29 appropriated for the program for the fiscal year
30 beginning July 1, 2004.”

31 3. Page 2, by inserting before line 23 the
32 following:

33 “Sec. 3. TEXTBOOKS AND SUPPLIES — APPROPRIATION.

34 There is appropriated from the general fund of the
35 state to the department of education for the fiscal
36 years beginning July 1, 2004, and ending June 30,
37 2005, and beginning July 1, 2005, and ending June 30,
38 2006, the following amount to be used by school
39 districts to assist with the purchase of public school
40 textbooks and supplies:

41 \$ 10,000,000

42 The amount appropriated pursuant to this section
43 shall be distributed each year to school districts on
44 a per pupil basis, and shall be used exclusively for
45 textbook and supply acquisition for public schools.
46 If any portion of the moneys received by a school
47 district for textbook and supply acquisition remains

48 unexpended at the end of the budget year, the
 49 remainder shall be carried over to the subsequent
 50 budget year and added to the school district's

Page 2

1 textbook and supply acquisition budget for that year.”
 2 4. Page 2, by striking lines 29 through 32 and
 3 inserting the following:
 4 “Sec. 4. APPLICABILITY. Section 1 of this Act is
 5 applicable for computing state aid under the state
 6 school foundation program for the school budget year
 7 beginning July 1, 2005.”
 8 5. Title page, by striking lines 1 through 5 and
 9 inserting the following: “An Act providing for the
 10 establishment of the state percent of growth for
 11 purposes of the state school foundation program, and
 12 other related matters, and providing an applicability
 13 date.”

DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 MIKE CONNOLLY
 THOMAS G. COURTNEY
 DICK L. DEARDEN
 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
 GENE FRAISE
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 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN
 JOE M. SENG
 ROGER STEWART
 STEVE WARNSTADT

S-5009

1 Amend Senate File 2124 as follows:
 2 1. By striking page 1, line 1, through page 2,
 3 line 22, and inserting the following:
 4 “Section 1. Section 257.8, subsection 1, Code
 5 Supplement 2003, is amended to read as follows:
 6 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
 7 ~~growth for the budget year beginning July 1, 2003, is~~
 8 ~~two percent.~~ The state percent of growth for the

9 budget year beginning July 1, 2004, is ~~two~~ six
 10 percent. The state percent of growth for the budget
 11 year beginning July 1, 2005, is six percent. The
 12 state percent of growth for each subsequent budget
 13 year shall be established by statute which shall be
 14 enacted within thirty days of the submission in the
 15 year preceding the base year of the governor's budget
 16 under section 8.21. The establishment of the state
 17 percent of growth for a budget year shall be the only
 18 subject matter of the bill which enacts the state
 19 percent of growth for a budget year."

20 2. Page 2, by inserting after line 22 the
 21 following:

22 "Sec. 2. STUDENT ACHIEVEMENT AND TEACHER QUALITY
 23 PROGRAM. Notwithstanding section 257.8, subsection 1,
 24 it is the intent of the general assembly that the
 25 appropriation for the student achievement and teacher
 26 quality program established in section 284.1 for the
 27 fiscal year beginning July 1, 2005, shall be increased
 28 by at least forty-four million dollars over the amount
 29 appropriated for the program for the fiscal year
 30 beginning July 1, 2004."

31 3. Page 2, by inserting before line 23 the
 32 following:

33 "Sec. 3. TEXTBOOKS AND SUPPLIES — APPROPRIATION.

34 There is appropriated from the general fund of the
 35 state to the department of education for the fiscal
 36 years beginning July 1, 2004, and ending June 30,
 37 2005, and beginning July 1, 2005, and ending June 30,
 38 2006, the following amount to be used by school
 39 districts to assist with the purchase of public school
 40 textbooks and supplies:

41 \$ 10,000,000

42 The amount appropriated pursuant to this section
 43 shall be distributed each year to school districts on
 44 a per pupil basis, and shall be used exclusively for
 45 textbook and supply acquisition for public schools.
 46 If any portion of the moneys received by a school
 47 district for textbook and supply acquisition remains
 48 unexpended at the end of the budget year, the
 49 remainder shall be carried over to the subsequent
 50 budget year and added to the school district's

Page 2

1 textbook and supply acquisition budget for that year."

2 4. Page 2, by striking lines 29 through 32 and
 3 inserting the following:

4 "Sec. 4. APPLICABILITY. Section 1 of this Act is
 5 applicable for computing state aid under the state
 6 school foundation program for the school budget year
 7 beginning July 1, 2005."

8 5. Title page, by striking lines 1 through 5 and
9 inserting the following: "An Act providing for the
10 establishment of the state percent of growth for
11 purposes of the state school foundation program, and
12 other related matters, and providing an applicability
13 date."

MATT W. McCOY
JACK HATCH
DICK L. DEARDEN
JACK HOLVECK
ROBERT E. DVORSKY
ROGER STEWART
DARYL BEALL
HERMAN C. QUIRMBACH
JOE BOLKCOM
JOE M. SENG
WILLIAM A. DOTZLER, JR.
KEITH A. KREIMAN
AMANDA RAGAN
MIKE CONNOLLY
MICHAEL E. GRONSTAL

S-5010

1 Amend Senate File 2124 as follows:
2 1. Page 2, by inserting after line 22 the
3 following:
4 "Sec. ____ Section 257.35, Code Supplement 2003, is
5 amended by adding the following new subsections:
6 NEW SUBSECTION. 4. Notwithstanding subsection 1,
7 and in addition to the reduction applicable pursuant
8 to subsection 2, the state aid for area education
9 agencies and the portion of the combined district cost
10 calculated for these agencies for the fiscal year
11 beginning July 1, 2004, and each succeeding fiscal
12 year, shall be reduced by the department of management
13 by eleven million seven hundred ninety-eight thousand
14 seven hundred three dollars. The reduction for each
15 area education agency shall be equal to the reduction
16 that the agency received in the fiscal year beginning
17 July 1, 2003.
18 NEW SUBSECTION. 5. Notwithstanding section
19 257.37, an area education agency may use the funds
20 determined to be available under this section in a
21 manner which the area education agency determines is
22 appropriate to best maintain the level of required
23 area education agency special education services. An
24 area education agency may also use unreserved fund
25 balances for media services or education services in a
26 manner which the area education agency determines is
27 appropriate to best maintain the level of required

28 area education agency special education services.”
 29 2. Title page, line 4, by inserting after the word
 30 “acquisition,” the following: “providing for a
 31 reduction in area education agency funding.”.

NANCY J. BOETTGER

S-5011

- 1 Amend the amendment, S-5005, to Senate File 2102,
 2 as follows:
 3 1. By striking page 1, line 2, through page 2,
 4 line 48.
 5 2. Page 3, by striking lines 35 through 41.
 6 3. By renumbering as necessary.

BOB BRUNKHORST

S-5012

- 1 Amend Senate File 2070 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. NEW SECTION. 29A.91A LICENSES,
 5 REGISTRATIONS, AND PERMITS — LATE PENALTIES WAIVED.
 6 A state agency may adopt rules to provide for
 7 administrative waiver of late penalties imposed for
 8 failure to renew a license, permit, or registration,
 9 or to perform any other obligation subject to a late
 10 penalty, for a service member during a period of
 11 military service.”
 12 2. Title page, line 2, by inserting after the
 13 word “transportation” the following: “and other state
 14 agencies”.
 15 3. By renumbering as necessary.

KEITH A. KREIMAN

S-5013

- 1 Amend Senate File 2070 as follows:
 2 1. Page 4, line 30, by inserting after the word
 3 “date” the following: “and time”.
 4 2. Page 4, line 30, by striking the word
 5 “delivery” and inserting the following: “perfection”.
 6 3. Page 6, line 34, by striking the words “of
 7 delivery” and inserting the following: “and time of
 8 perfection”.
 9 4. Page 10, line 19, by inserting after the word
 10 “date” the following: “and time”.
 11 5. Page 11, line 12, by striking the words “of
 12 delivery” and inserting the following: “and time of”

- 13 perfection”.
- 14 6. Page 11, line 15, by striking the words “of
- 15 delivery” and inserting the following: “and time of
- 16 perfection”.
- 17 7. Page 11, line 19, by inserting after the word
- 18 “date” the following: “and time”.
- 19 8. Page 11, line 24, by inserting after the word
- 20 “date” the following: “and time”.

KEITH A. KREIMAN
JOHN PUTNEY

S-5014

- 1 Amend House File 2150, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting before line 1 the
- 4 following:
- 5 “Section 1. Section 124.401C, subsection 1, Code
- 6 2003, is amended to read as follows:
- 7 1. In addition to any other penalties provided in
- 8 this chapter, a person who is eighteen years of age or
- 9 older and who either directly or by extraction from
- 10 natural substances, or independently by means of
- 11 chemical processes, or both, unlawfully manufactures
- 12 methamphetamine, its salts, isomers, and salts of its
- 13 isomers in the presence of a minor shall be sentenced
- 14 up to an additional term of confinement of five years.
- 15 However, the additional term of confinement shall not
- 16 be imposed on a person who has been convicted and
- 17 sentenced for a child endangerment offense under
- 18 section 726.6, subsection 1, paragraph “g”, arising
- 19 from the same facts.”
- 20 2. By renumbering as necessary.

LARRY McKIBBEN

S-5015

- 1 Amend Senate File 2100 as follows:
- 2 1. Page 1, by striking lines 1 through 13.
- 3 2. Title page, line 3, by inserting after the
- 4 word “or” the following: “product”.
- 5 3. By renumbering as necessary.

LARRY McKIBBEN

S-5016

- 1 Amend Senate File 2032 as follows:
- 2 1. Page 1, by inserting after line 15 the
- 3 following:

4 "Sec. ____ Section 321.253, Code 2003, is amended
 5 to read as follows:
 6 321.253 DEPARTMENT TO ERECT SIGNS.
 7 1. The department shall place and maintain such
 8 traffic-control devices, conforming to its manual and
 9 specifications, upon all primary highways as it shall
 10 deem necessary to indicate and to carry out the
 11 provisions of this chapter or to regulate, warn, or
 12 guide traffic. Whenever practical, said devices or
 13 signs shall be purchased from the director of the Iowa
 14 department of corrections.
 15 2. The department shall post signs informing
 16 motorists that the scheduled fine for committing a
 17 moving traffic violation in a road work zone is
 18 doubled.
 19 3. The department shall furnish and erect signs
 20 that read "bicycling prohibited" at every intersection
 21 on a divided primary highway where the prohibition in
 22 section 321.234, subsection 2A, applies."
 23 2. By renumbering as necessary.

JOE BOLKCOM

S-5017

1 Amend Senate File 2032 as follows:
 2 1. Page 1, by inserting after line 15 the
 3 following:
 4 "Sec. ____ Section 321.299, Code 2003, is amended
 5 to read as follows:
 6 321.299 OVERTAKING A VEHICLE OR BICYCLE.
 7 The following rules shall govern the overtaking and
 8 passing of vehicles proceeding in the same direction,
 9 subject to those limitations, exceptions, and special
 10 ~~rules hereinafter stated~~ provided in this chapter:
 11 1. The driver of a vehicle overtaking another
 12 vehicle proceeding in the same direction shall pass to
 13 the left thereof at a safe distance and shall not
 14 again drive to the right side of the roadway until
 15 safely clear of the overtaken vehicle.
 16 2. Except when overtaking and passing on the right
 17 is permitted, the driver of an overtaken vehicle shall
 18 give way to the right in favor of the overtaking
 19 vehicle and shall not increase the speed of the
 20 overtaken vehicle until completely passed by the
 21 overtaking vehicle.
 22 3. The driver of a vehicle overtaking a bicycle
 23 shall pass the bicycle at a distance of at least ten
 24 feet and shall not return to the right side of the
 25 roadway until safely clear of the overtaken bicycle."
 26 2. Title page, lines 1 and 2, by striking the
 27 words "and providing a penalty." and inserting the

28 following: “, passing bicycles on highways, and
29 providing penalties.”
30 3. By renumbering as necessary.

JOE BOLKCOM

S-5018

1 Amend Senate File 2032 as follows:
2 1. Page 1, by striking lines 6 through 8 and
3 inserting the following: “recreational trail runs
4 parallel to the roadway adjacent to or within the
5 highway right-of-way and is accessible from the
6 highway, or if a paved shoulder designated as a
7 bikeway runs parallel to the roadway. This section
8 applies to primary”.

JOE BOLKCOM

S-5019

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 “Sec. ____ NEW SECTION. 321.235B BICYCLE SAFETY
5 EDUCATION — APPROPRIATION.
6 The state department of transportation, in
7 cooperation with the department of education and the
8 department of public safety, shall develop a safe kids
9 to school program modeled after the program developed
10 by the league of American bicyclists and the federal
11 highway traffic safety administration. There is
12 appropriated from the general fund of the state to the
13 department of education for each fiscal year the sum
14 of five million dollars for the purpose of initiating
15 and maintaining the safe kids to school program.”
16 2. Title page, line 1, by inserting after the
17 word “highways” the following: “, bicycle safety
18 education, making an appropriation.”.
19 3. By renumbering as necessary.

JOE BOLKCOM

S-5020

1 Amend Senate File 2032 as follows:
2 1. Page 1, line 8, by inserting after the word
3 “right-of-way.” the following: “However, a person may
4 exit the recreational trail or paved shoulder if

5 necessary in order to access a destination along the
6 highway.”

JOE BOLKCOM

S-5021

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 “Section 1. NEW SECTION. 313.38 BICYCLE LANES —
5 APPROPRIATION.
6 The department shall develop a plan for adding
7 paved bicycle lanes on the shoulder of all primary
8 highways in the state, and for including bicycle lanes
9 in all construction projects for new sections of
10 primary highway. Specifications for the bicycle lanes
11 shall require that they be a minimum of six feet in
12 width and incorporate gapped rumble strips for bicycle
13 safety. The department shall allocate annually from
14 the appropriation to the department from the primary
15 road fund for construction and maintenance of primary
16 highways the sum of twenty-five million dollars for
17 bicycle lane construction.”
18 2. Title page, line 1, by inserting after the
19 word “highways” the following: “, making an
20 appropriation,”.
21 3. By renumbering as necessary.

JOE BOLKCOM

S-5022

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting after line 15, the
3 following:
4 “Sec. ____ NEW SECTION. 321.235B BICYCLE SAFETY
5 EDUCATION — APPROPRIATION.
6 There is appropriated from the general fund of the
7 state to the state department of transportation for
8 each fiscal year the sum of two million dollars for
9 the purpose of providing the smart wheeler ride safely
10 program to children in grades five and six.”
11 2. Title page, line 1, by inserting after the
12 word “highways” the following: “, bicycle safety
13 education, making an appropriation,”.
14 3. By renumbering as necessary.

JOE BOLKCOM

S-5023

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting after line 15 the
3 following:
4 "The official state map published by the department
5 pursuant to section 307.14 shall identify every
6 segment of primary highway to which this subsection
7 applies."

JOE BOLKCOM

S-5024

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting after line 23 the
3 following:
4 "Sec. ___. REPORT. Beginning in January 2005, the
5 Iowa state patrol shall submit an annual report each
6 January to the general assembly detailing the number
7 of citations issued in the previous calendar year to
8 bicyclists for violations of section 321.234,
9 subsection 2A, as enacted by this Act, committed on
10 primary highways to which this Act applies."
11 2. By renumbering as necessary.

JOE BOLKCOM

S-5025

1 Amend Senate File 2032 as follows:
2 1. Page 1, by inserting after line 23, the
3 following:
4 "Sec. ___. SHARE THE ROAD PROGRAM. The state
5 department of transportation shall develop a
6 competitive grant program for cities and counties to
7 acquire "share the road" signs. For each of the
8 fiscal years beginning July 1, 2004, July 1, 2005, and
9 July 1, 2006, the department shall allocate, from
10 funds appropriated to the department for highways, the
11 amount of five hundred thousand dollars to fund the
12 grant program."
13 2. Title page, line 1, by inserting after the
14 word "highways" the following: ", establishing a
15 share the road grant program and allocating funds,".

JOE BOLKCOM

S-5026

- 1 Amend Senate File 2032 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. NEW SECTION. 80.43 SHARE THE ROAD
 5 PROGRAM — APPROPRIATION.
 6 There is appropriated annually from the general
 7 fund of the state to the department of public safety
 8 the sum of ten million dollars to develop and
 9 implement mandatory "share the road" motor vehicle
 10 driver education for all licensed drivers in the
 11 state."
 12 2. Title page, line 1, by inserting after the
 13 word "highways" the following: ", establishing share
 14 the road driver education, making an appropriation."
 15 3. By renumbering as necessary.

JOE BOLKCOM

S-5027

- 1 Amend Senate File 2032 as follows:
 2 1. Page 1, by inserting after line 15, the
 3 following:
 4 "Sec. ____ NEW SECTION. 321.235B BICYCLE SAFETY
 5 EDUCATION — APPROPRIATION.
 6 The state department of transportation, in
 7 cooperation with the department of education, shall
 8 develop curriculum guidelines for bicycle safety
 9 education. There is appropriated from the general
 10 fund of the state to the department of education for
 11 each fiscal year the sum of one million dollars for
 12 the purpose of providing bicycle safety education, as
 13 provided in this section, through the public schools."
 14 2. Title page, line 1, by inserting after the
 15 word "highways" the following: ", bicycle safety
 16 education, making an appropriation."
 17 3. By renumbering as necessary.

JOE BOLKCOM

S-5028

- 1 Amend Senate File 2032 as follows:
 2 1. Page 1, by inserting after line 23 the
 3 following:
 4 "Sec. ____ SAFE KIDS PROGRAM — APPROPRIATION.
 5 For the fiscal year beginning July 1, 2004, and each
 6 fiscal year thereafter, there is appropriated from the
 7 general fund of the state to the state department of
 8 transportation the sum of five million dollars to

- 9 support the safe kids helmet safety program and
10 children's bike rodeos sponsored by Blank children's
11 hospital in Des Moines.”
- 12 2. Title page, line 1, by inserting after the
13 word “highways” the following: “, bicycle safety
14 education, making an appropriation.”.
- 15 3. By renumbering as necessary.

JOE BOLKCOM

S-5029

- 1 Amend Senate File 2032 as follows:
- 2 1. Page 1, by inserting after line 15, the
3 following:
- 4 “Sec. ____ Section 465B.4, unnumbered paragraph 1,
5 Code 2003, is amended to read as follows:
- 6 To achieve the purposes of this chapter, there is
7 appropriated from the general fund of the state to the
8 state department of transportation for each fiscal
9 year the sum of ten million dollars. In addition, the
10 state department of transportation, other state
11 agencies, political subdivisions of the state, and
12 private organizations may use funds from the following
13 sources:”
- 14 2. Title page, line 1, by inserting after the
15 word “highways” the following: “, appropriating funds
16 for recreation trails.”.
- 17 3. By renumbering as necessary.

JOE BOLKCOM

S-5030

- 1 Amend Senate File 2121 as follows:
- 2 1. Page 1, by inserting after line 7, the
3 following:
- 4 “Sec. ____ CONTINGENT EFFECTIVE DATE. The
5 effective date of this Act is contingent upon the
6 state fully funding state aid pursuant to chapter 257
7 as computed for an allowable growth of six percent and
8 is contingent upon the compliance as part of the
9 budgeting process of a spending limitation of ninety-
10 eight percent of the adjusted revenue estimate as
11 defined in section 8.54.”
- 12 2. Title page, line 2, by inserting after the
13 word “taxes” the following: “and including a
14 contingent effective date provision”.

MATT W. McCOY

S-5031

1 Amend Senate File 2121 as follows:
 2 1. Page 1, by inserting after line 7, the
 3 following:
 4 “Sec. ____ CONTINGENT EFFECTIVE DATE. The
 5 effective date of this Act is contingent upon the
 6 state fully funding state aid pursuant to chapter 257
 7 as computed for an allowable growth of six percent.”
 8 2. Title page, line 2, by inserting after the
 9 word “taxes” the following: “and including a
 10 contingent effective date provision”.

MATT W. McCOY

S-5032

1 Amend Senate File 2175 as follows:
 2 1. Page 1, lines 34 and 35 by striking the words
 3 “with a disability” and inserting the following:
 4 “~~with a disability~~”.

LARRY McKIBBEN

S-5033

1 Amend Senate File 2175 as follows:
 2 1. Page 1, by striking lines 30 and 31 and
 3 inserting the following:
 4 “Sec. ____ Section 85.38, subsection 2, Code 2003,
 5 is amended to read as follows:
 6 2. CREDIT FOR BENEFITS PAID UNDER GROUP PLANS. In
 7 the event the employee ~~with a disability~~ shall receive
 8 any benefits, including medical, surgical, or hospital
 9 benefits, under any group plan covering
 10 nonoccupational disabilities contributed to wholly or
 11 partially by the employer, which benefits should not
 12 have been paid or payable if any rights of recovery
 13 existed under this chapter, chapter 85A, or chapter
 14 85B, then the amounts so paid to the employee from the
 15 group plan shall be credited to or against any
 16 compensation payments, including medical, surgical, or
 17 hospital, made or to be made under this chapter,
 18 chapter 85A, or chapter 85B. The amounts so credited
 19 shall be deducted from the payments made under these
 20 chapters. Any nonoccupational plan shall be
 21 reimbursed in the amount deducted. This section shall
 22 not apply to payments made under any group plan which
 23 would have been payable even though there was an
 24 injury under this chapter or an occupational disease
 25 under chapter 85A or an occupational hearing loss
 26 under chapter 85B. Any employer receiving such credit

27 shall keep the employee safe and harmless from any and
28 all claims or liabilities that may be made against
29 them by reason of having received the payments only to
30 the extent of the credit.”

31 2. Page 1, lines 34 and 35, by striking the words
32 “with a disability” and inserting the following:
33 “~~with a disability~~”.

LARRY MCKIBBEN

S-5034

1 Amend Senate File 2120 as follows:

2 1. By striking page 1, line 1, through page 2,
3 line 31, and inserting the following:

4 “Section 1. Section 462A.2, Code 2003, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 30A. “Registration period” means
7 the period of three years beginning on the first day
8 of the month following the month of the birth of the
9 owner of a vessel for vessels registered by the county
10 recorder.

11 Sec. 2. Section 462A.5, Code 2003, is amended to
12 read as follows:

13 462A.5 REGISTRATION AND IDENTIFICATION NUMBER.

14 1. The owner of each vessel required to be
15 numbered by this state shall register it every ~~two~~
16 three years with the county recorder of the county in
17 which the owner resides, or, if the owner is a
18 nonresident, the owner shall register it in the county
19 in which such vessel is principally used. The
20 commission shall have supervisory responsibility over
21 the registration of all vessels and shall provide each
22 county recorder with registration forms and
23 certificates and shall allocate identification numbers
24 to each county.

25 The owner of the vessel shall file an application
26 for registration with the appropriate county recorder
27 on forms provided by the commission. The application
28 shall be completed and signed by the owner of the
29 vessel and shall be accompanied by the appropriate
30 fee, and the writing fee specified in section 462A.53.
31 Upon applying for registration, the owner shall
32 display a bill of sale, receipt, or other satisfactory
33 proof of ownership as provided by the rules of the
34 commission to the county recorder. If the county
35 recorder is not satisfied as to the ownership of the
36 vessel or that there are no undisclosed security
37 interests in the vessel, the county recorder may
38 register the vessel but shall, as a condition of
39 issuing a registration certificate, require the
40 applicant to follow the procedure provided in section

41 462A.5A. Upon receipt of the application in approved
 42 form accompanied by the required fees, the county
 43 recorder shall enter it upon the records of the
 44 recorder's office and shall issue to the applicant a
 45 pocket-size registration certificate. The certificate
 46 shall be executed in triplicate, one copy to be
 47 delivered to the owner, one copy to the commission,
 48 and one copy to be retained on file by the county
 49 recorder. The registration certificate shall bear the
 50 number awarded to the vessel, the passenger capacity

Page 2

1 of the vessel, and the name and address of the owner.
 2 In the use of all vessels except nonpowered sailboats,
 3 nonpowered canoes, and commercial vessels, the
 4 registration certificate shall be carried either in
 5 the vessel or on the person of the operator of the
 6 vessel when in use. In the use of nonpowered
 7 sailboats, nonpowered canoes, or commercial vessels,
 8 the registration certificate may be kept on shore in
 9 accordance with rules adopted by the commission. The
 10 operator shall exhibit the certificate to a peace
 11 officer upon request or, when involved in a collision
 12 or accident of any nature with another vessel or other
 13 personal property, to the owner or operator of the
 14 other vessel or personal property.

15 2. a. On all vessels except nonpowered sailboats
 16 the owner shall cause the identification number to be
 17 painted on or attached to each side of the bow of the
 18 vessel in such size and manner as may be prescribed by
 19 the rules of the commission. On nonpowered boats the
 20 number may be placed at alternate locations as
 21 prescribed by the rules of the commission. All numbers
 22 shall be maintained in a legible condition at all
 23 times.

24 No number, other than the number awarded to a
 25 vessel under the provisions of this chapter or granted
 26 reciprocity pursuant to this chapter, shall be
 27 painted, attached or otherwise displayed on either
 28 side of the bow of ~~such the~~ vessel.

29 The owner of each vessel must display and maintain,
 30 in a legible manner and in a prominent spot on the
 31 exterior of ~~such the~~ vessel, other than the bow, the
 32 passenger capacity of the vessel which must conform
 33 with the passenger capacity designated on the
 34 registration certificate.

35 2. b. When an agency of the United States
 36 government ~~shall have~~ has in force an overall system
 37 of identification numbering for vessels, the numbering
 38 system prescribed by the commission pursuant to this
 39 chapter, shall be in conformity ~~therewith~~ with the

40 overall system.

41 3. The registration fees for vessels subject to
42 this chapter are as follows:

43 a. For vessels of any length without motor or
44 sail, ~~five~~ twelve dollars.

45 b. For motorboats or sailboats less than ~~twelve~~
46 sixteen feet in length, ~~eight~~ twenty-two dollars and
47 fifty cents.

48 c. For motorboats or sailboats ~~twelve~~ sixteen feet
49 or more, but less than ~~fifteen~~ twenty-six feet in
50 length, ~~ten~~ thirty-seven dollars and fifty cents.

Page 3

1 ~~d. For motorboats or sailboats fifteen feet or~~
2 ~~more, but less than eighteen feet in length, twelve~~
3 ~~dollars.~~

4 ~~e. For motorboats or sailboats eighteen feet or~~
5 ~~more, but less than twenty five feet in length,~~
6 ~~eighteen dollars.~~

7 ~~f. d. For motorboats or sailboats twenty five~~
8 ~~twenty-six feet in length or more, twenty eight but~~
9 ~~less than forty feet in length, sixty~~ dollars.

10 e. For motor boats or sailboats forty feet in
11 length or more, one hundred twelve dollars and fifty
12 cents.

13 f. For all personal watercraft, thirty-seven
14 dollars and fifty cents.

15 4. a. Twelve registration periods are established
16 for the registration of vessels by the county
17 recorder. Each registration period shall commence on
18 the first day of each calendar month following the
19 month of the birth of the owner of the vessel and end
20 on the last day of the thirty-sixth month. Vessels
21 subject to registration which are owned by a person
22 other than a natural person shall be registered for a
23 registration period as determined by the county
24 treasurer.

25 b. Every registration certificate and number
26 issued becomes delinquent expires at midnight April 30
27 of odd numbered years on the last day of the last year
28 of the registration period unless terminated or
29 discontinued in accordance with this chapter. After
30 January 1 in odd numbered years, an unregistered
31 vessel and a renewal of registration may be registered
32 for the two year registration period beginning May 1
33 of that year. After January 1 in even numbered years,
34 unregistered vessels may be registered for the
35 remainder of the current registration period at fifty
36 percent of the appropriate registration fee. A person
37 shall not be considered to be operating a vessel with
38 an expired registration for a period of one month

39 following the expiration date of the vessel
40 registration.
41 c. If a timely application for renewal is made,
42 the applicant shall receive the same registration
43 number allocated to the applicant for the previous
44 registration period. If the application for
45 registration ~~for the biennium is not made before May 1~~
46 ~~of each odd-numbered year, is expired,~~ the applicant
47 shall be charged a penalty of five dollars.
48 ~~4.~~ 5. If a person, after registering a vessel,
49 moves from the address shown on the registration
50 certificate, the person shall, within ten days, notify

Page 4

1 the county recorder in writing of the old and new
2 address. If appropriate, the county recorder shall
3 forward all past records of the vessel to the recorder
4 of the county in which the owner resides.
5 If the name of a person, who has registered a
6 vessel, is changed, the person shall, within ten days,
7 notify the county recorder of the former and new name.
8 No fee shall be paid to the county recorder for
9 making the changes mentioned in this subsection,
10 unless the owner requests a new registration
11 certificate showing the change, in which case a fee of
12 one dollar plus a writing fee shall be paid to the
13 recorder.
14 If a registration certificate is lost, mutilated or
15 becomes illegible, the owner shall immediately make
16 application for and obtain a duplicate registration
17 certificate by furnishing information satisfactory to
18 the county recorder.
19 A fee of one dollar plus a writing fee shall be
20 paid to the county recorder for a duplicate
21 registration certificate.
22 If a vessel, registered under this chapter, is
23 destroyed or abandoned, the destruction or abandonment
24 shall be reported to the county recorder and the
25 registration certificate shall be forwarded to the
26 office of the county recorder within ten days after
27 the destruction or abandonment.
28 ~~5.~~ 6. All records of the commission and the
29 county recorder, other than those declared by law to
30 be confidential for the use of the commission and the
31 county recorder, shall be open to public inspection
32 during office hours.
33 ~~6.~~ 7. The owner of each vessel which has a valid
34 marine document issued by the bureau of customs of the
35 United States government or any federal agency
36 successor thereto shall register it every ~~two~~ three
37 years with the county recorder in the same manner

38 prescribed for undocumented vessels and shall cause
39 the registration validation decal to be placed on the
40 vessel in the manner prescribed by the rules of the
41 commission. When the vessel bears the identification
42 required in the documentation, it is exempt from the
43 placement of the identification numbers as required on
44 undocumented vessels. The fee for such registration
45 is twenty-five dollars plus a writing fee.

46 ~~7.~~ 8. If the owner of a currently registered
47 vessel places the vessel in storage, the owner shall
48 return the registration certificate to the county
49 recorder with an affidavit stating that the vessel is
50 placed in storage and the effective date of the

Page 5

1 storage. The county recorder shall notify the
2 commission of each registered vessel placed in
3 storage. When the owner of a stored vessel desires to
4 renew the vessel's registration, the owner shall apply
5 to the county recorder and pay the registration fees
6 plus a writing fee as provided in subsections 1 and 3
7 without penalty. No refund of registration fees shall
8 be allowed for a stored vessel.

9 ~~8.~~ 9. The registration certificate shall indicate
10 if the vessel is subject to the requirement of a
11 certificate of title and the county from which the
12 certificate of title is issued.

13 10. To implement the change from odd-numbered
14 calendar year registration to the system provided for
15 in subsection 4, the vessels registered by the county
16 recorder on or after December 1, 2004, shall be
17 registered as follows:

18 a. Vessel registrations which are not delinquent
19 under the calendar year system may be registered on or
20 after December 1, 2004, up to and including April 30,
21 2005, without penalty. Registrations paid on or after
22 May 1, 2005, shall be subject to a penalty of five
23 dollars.

24 b. Vessels shall be registered for the registration
25 period as defined in section 462A.2 minus any
26 unexpired months remaining under the previous
27 registration. If the registration of the vessel is
28 for a period of less than thirty-six months, the
29 registration fee shall be prorated for the unexpired
30 months. If the registration of the vessel is for a
31 period of more than thirty-six months, the
32 registration shall be prorated for the additional
33 months.

34 c. When a registration fee computed contains a
35 fractional part of a dollar, the fee shall be computed
36 to the nearest half-dollar. However, the fee shall

37 not be less than one dollar."

38 2. Page 2, line 34, by inserting after the word
39 "operator" the following: "of a personal watercraft
40 or".

41 3. Page 3, line 1, by striking the words
42 "~~personal watercraft~~" and inserting the following:
43 "personal watercraft or".

44 4. Page 3, line 2, by striking the words
45 "~~personal watercraft~~" and inserting the following:
46 "personal watercraft or".

47 5. Page 3, line 4, by inserting after the word
48 "in" the following: "personal watercraft or".

49 6. Page 3, line 7, by striking the words
50 "~~personal watercraft~~" and inserting the following:

Page 6

1 "personal watercraft or".

2 7. Page 7, by inserting after line 12, the
3 following:

4 "Sec. ____ . APPLICABILITY. The registration system
5 established for vessels pursuant to this Act applies
6 to new registrations on or after January 1, 2005, and
7 to renewals effective for registration periods
8 beginning on or after January 1, 2005."

9 8. By renumbering as necessary.

DAVID JOHNSON

S-5035

1 Amend House File 2150, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 8 through 12 and
4 inserting the following:

5 "NEW PARAGRAPH. g. Permits a child or minor to be
6 present at a location where the person knows that
7 amphetamine, its salts, isomers, and salts of isomers,
8 or methamphetamine, its salts, isomers, or salts of
9 isomers, is being manufactured in violation of section
10 124.401, subsection 1, or where the person knows a
11 product is possessed in violation of section 124.401,
12 subsection 4."

LARRY MCKIBBEN

S-5036

1 Amend Senate Resolution 123 as follows:

2 1. Page 2, line 16, by inserting after the word
3 "instruction" the following: "and to identify unmet
4 needs and opportunities being lost due to lack of

5 adequate funding for programs, equipment, staff
6 training, or other barriers”.

HERMAN C. QUIRMBACH

S-5037

1 Amend Senate File 2176 as follows:

2 1. Page 2, line 9, by inserting after the word
3 “bullying” the following: “, which shall include, but
4 not be limited to, behavior directed toward a student
5 that is injurious to the student’s academic progress,
6 social relationships, or self-worth”.

7 2. Page 2, by inserting after line 19, the
8 following:

9 “h. A statement providing, at a minimum, that the
10 school district will not tolerate bullying,
11 discrimination, or harassment in its educational
12 program on the basis of a person’s age, color, creed,
13 national origin, race, religion, marital status, sex,
14 real or perceived sexual orientation, gender identity,
15 physical attributes, physical or mental ability or
16 disability, ancestry, political party preference,
17 socioeconomic status, or familial status.”

MIKE CONNOLLY

S-5038

1 Amend Senate File 2187 as follows:

2 1. Page 2, by striking lines 14 through 19, and
3 inserting the following:

4 “NEW PARAGRAPH. d. Make an annual certification
5 of compliance with this section. For any year in
6 which the city or municipal utility is not audited in
7 accordance with section 11.6, the city or municipal
8 utility shall contract with or employ the auditor of
9 state or a certified public accountant certified in
10 the state of Iowa to attest to the certification. The
11 attestation report shall be a public record for
12 purposes of chapter 22.”

RON WIECK

S-5039

1 Amend Senate File 2244 as follows:

2 1. Page 4, by striking lines 9 through 13.

3 2. Page 4, by inserting after line 13 the
4 following:

5 “Sec. ____ . VALIDITY OF ACTIONS. Except for an
6 action that violates section 364.3, subsection 7,

7 actions taken prior to July 1, 2004, by a city or
 8 municipal utility regarding the provision of cable,
 9 internet, or long distance service including financing
 10 are deemed valid.”

RON WIECK

S-5040

1 Amend Senate File 2230 as follows:
 2 1. Page 1, by inserting after line 14 the
 3 following:
 4 “5A. “Response action” means any action taken to
 5 reduce, minimize, eliminate, clean up, control,
 6 assess, or monitor a release of hazardous substances,
 7 hazardous waste, or regulated substances to protect
 8 the public health, safety, or the environment.”
 9 2. Page 2, by inserting after line 32 the
 10 following:
 11 “Sec. ____ NEW SECTION. 455B.754 LEGAL
 12 RESPONSIBILITY.
 13 This division shall not be interpreted to affect
 14 the legal responsibility to the state to conduct
 15 response actions under any applicable state law.
 16 Sec. ____ EFFECTIVE DATE. This Act, being deemed
 17 of immediate importance, takes effect upon enactment.”
 18 3. Title page, line 2, by inserting after the
 19 word “property” the following: “and providing an
 20 effective date”.

ROGER STEWART
 STEVE KETTERING

S-5041

1 Amend Senate File 2143 as follows:
 2 1. Page 1, by striking lines 10 through 12 and
 3 inserting the following: “of age is below deck or in
 4 an enclosed cabin of the vessel.”

DICK L. DEARDEN

S-5042

1 Amend Senate File 2188 as follows:
 2 1. Page 4, by striking lines 2 through 5, and
 3 inserting the following:
 4 “2. Accept gifts, grants, devises, or bequests of
 5 real or personal property from the federal government
 6 or any other source for the use and purposes of the
 7 commission. Notwithstanding sections 8.33 and 12C.7,
 8 the interest accrued from moneys received under this

9 subsection shall not revert to the general fund of the
10 state, but shall remain available for expenditure by
11 the commission.”

DOUG SHULL

S-5043

1 Amend Senate File 2274 as follows:
2 1. Page 2, line 23, by striking the figure
3 “504A.503” and inserting the following: “504.503”.
4 2. Page 11, line 11, by striking the figures and
5 word “6 or 7” and inserting the following: “VI or
6 VII”.
7 3. Page 30, line 17, by striking the word
8 “therefore” and inserting the following: “therefor”.
9 4. Page 46, line 8, by striking the word “or” and
10 inserting the following: “for”.
11 5. Page 74, line 23, by striking the word
12 “director,” and inserting the following: “director
13 or”.
14 6. Page 129, line 6, by striking the figure
15 “504.508” and inserting the following: “504.503”.
16 7. Page 129, line 9, by striking the figure
17 “504.508” and inserting the following: “504.503”.
18 8. Page 137, by striking lines 30 and 31, and
19 inserting the following:
20 “Sec. 190. Chapter 504A, Code 2005, is repealed
21 effective July 1, 2005.”

KEITH A. KREIMAN

S-5044

1 Amend Senate File 2202 as follows:
2 1. Page 1, line 28, by inserting after the word
3 “section.” the following: “The department shall
4 review the requirements of this section at least every
5 five years, and shall submit its recommendations for
6 modification to, or continuation of, this section
7 based upon new information about the disease or
8 vaccination against the disease in a report that shall
9 be submitted to the general assembly no later than
10 January 15, 2010, with subsequent reports developed
11 and submitted by January 15 at least every fifth year
12 thereafter.”

NANCY J. BOETTGER
KEITH A. KREIMAN

S-5045

- 1 Amend Senate File 2240 as follows:
2 1. Page 1, line 2, by inserting after the word
3 “amended” the following: “to read”.

JOHN PUTNEY

S-5046

- 1 Amend Senate File 2202 as follows:
2 1. Page 1, line 9, by inserting after the word
3 “to” the following: “voluntarily”.
4 2. Page 1, line 10, by inserting after the word
5 “disease.” the following: “The form shall state that
6 a student may voluntarily disclose in the space
7 provided whether or not the student has received the
8 vaccination, but shall not be compelled to disclose
9 such information.”
10 3. Page 1, by striking line 16, and inserting the
11 following: “this section shall be considered a
12 confidential record in accordance with section 22.7,
13 subsection 1. Data”.

HERMAN C. QUIRMBACH

S-5047

- 1 Amend Senate File 2235 as follows:
2 1. Page 2, line 13, by inserting after the word
3 “an” the following: “impartial”.

DONALD B. REDFERN
KEITH A. KREIMAN

S-5048

- 1 Amend Senate File 2189 as follows:
2 1. Page 2, line 9, by inserting after the word
3 “fees” the following: “, unless the person suspected
4 of violating a provision of section 543B.1 prevails in
5 any application for permanent injunctive relief”.

KEITH A. KREIMAN

S-5049

- 1 Amend Senate File 2032 as follows:
2 1. Page 1, line 5, by inserting after the word

- 3 “highway” the following: “where the speed limit is
4 greater than fifty miles per hour”.

WILLIAM A. DOTZLER, JR.

S-5050

- 1 Amend Senate File 2253 as follows:
2 1. Page 4, line 33, by striking the word “five”
3 and inserting the following: “seven”.

STEVE WARNSTADT
MARK ZIEMAN

S-5051

- 1 Amend Senate File 2163 as follows:
2 1. Page 5, line 11, by striking the word “may”
3 and inserting the following: “shall”.

NEAL SCHUERER

S-5052

- 1 Amend House File 2150, as passed by the House, as
2 follows:
3 1. Page 1, line 9, by striking the words “a
4 controlled substance” and inserting the following:
5 “amphetamine, its salts, isomers, or salts of isomers,
6 or methamphetamine, its salts, isomers, or salts of
7 isomers”.

LARRY McKIBBEN

S-5053

- 1 Amend Senate Concurrent Resolution 111 as follows:
2 1. Page 2, line 24, by striking the figure “2005”
3 and inserting the following: “2004”.

NANCY J. BOETTGER

S-5054

- 1 Amend Senate File 2213 as follows:
2 1. Page 1, line 5, by inserting after the figure
3 “483A.1.” the following: “However, the department
4 shall not revoke a license of a member of the national

5 guard or reserve during a period of active duty or
6 service.”

STEVE WARNSTADT

S-5055

1 Amend Senate File 2180 as follows:

2 1. Page 1, by inserting after line 11, the
3 following:

4 “Sec. ____ Section 321.47, unnumbered paragraph 1,
5 Code 2003, is amended to read as follows:

6 If ownership of a vehicle is transferred by
7 operation of law upon inheritance, devise or bequest,
8 dissolution decree, order in bankruptcy, insolvency,
9 replevin, foreclosure or execution sale, abandoned
10 vehicle sale, or when the engine of a motor vehicle is
11 replaced by another engine, or a vehicle is sold or
12 transferred to satisfy an artisan’s lien as provided
13 in chapter 577, a landlord’s lien as provided in
14 chapter 570, a storage lien as provided in chapter
15 579, a judgment in an action for abandonment of a
16 manufactured or mobile home as provided in chapter
17 555B, upon presentation of an affidavit relating to
18 the disposition of a valueless mobile, modular, or
19 manufactured home as provided in chapter 555C, or
20 repossession is had upon default in performance of the
21 terms of a security agreement, the county treasurer in
22 the transferee’s county of residence, upon the
23 surrender of the prior certificate of title or the
24 manufacturer’s or importer’s certificate, or when that
25 is not possible, upon presentation of satisfactory
26 proof to the county treasurer of ownership and right
27 of possession to the vehicle and upon payment of a fee
28 of ten dollars and the presentation of an application
29 for registration and certificate of title, may issue
30 to the applicant a registration card for the vehicle
31 and a certificate of title to the vehicle. A person
32 entitled to ownership of a vehicle under a decree of
33 dissolution shall surrender a reproduction of a
34 certified copy of the dissolution and upon fulfilling
35 the other requirements of this chapter is entitled to
36 a certificate of title and registration receipt issued
37 in the person’s name.”

38 2. Page 4, by inserting before line 1, the
39 following:

40 “Sec. ____ Section 555C.3, Code 2003, is amended
41 to read as follows:

42 555C.3 NEW TITLE — THIRD PARTY.

43 If a new title to a valueless home is to be issued
44 to a third party, the county treasurer shall issue a
45 new title, upon receipt of the affidavit required in

46 section 555C.2, ~~a new title upon~~ and payment of a fee
 47 ~~equal to the fee specified in section 321.42 for~~
 48 ~~replacement certificates of title for vehicles~~
 49 pursuant to section 321.47. Any tax lien levied
 50 pursuant to chapter 435 is canceled and the ownership

Page 2

1 interest of the previous owner or occupant of the
 2 valueless home is terminated as of the date of
 3 issuance of the new title. The new title owner shall
 4 take the title free of all rights and interests even
 5 though the manufactured home community or mobile home
 6 park owner fails to comply with the requirements of
 7 this chapter or any judicial proceedings, if the new
 8 title owner acts in good faith.”
 9 3. By renumbering as necessary.

DAVID MILLER

S-5056

1 Amend Senate File 2183 as follows:
 2 1. Page 5, line 11, by striking the word “may”
 3 and inserting the following: “shall”.

NEAL SCHUERER

S-5057

1 Amend Senate File 2177 as follows:
 2 1. Page 1, line 2, by inserting after the word
 3 “ASTHMA” the following: “OR OTHER AIRWAY CONSTRICTING
 4 DISEASE”.
 5 2. Page 1, line 7, by inserting after the word
 6 “asthma” the following: “or other airway constricting
 7 disease”.
 8 3. Page 1, line 9, by inserting after the figure
 9 “150A,” the following: “or a physician’s assistant,
 10 advanced registered nurse practitioner,”.
 11 4. Page 1, line 11, by inserting after the word
 12 “state” the following: “in accordance with section
 13 147.107,”.
 14 5. Page 1, line 19, by inserting after the word
 15 “asthma” the following: “or other airway constricting
 16 disease”.
 17 6. Page 2, line 2, by inserting after the word
 18 “self-administration” the following: “or unauthorized
 19 administration”.
 20 7. Page 2, line 7, by inserting after the word
 21 “administration” the following: “or unauthorized
 22 administration”.

- 23 8. Page 2, line 11, by inserting after the word
 24 “self-administration” the following: “or unauthorized
 25 administration”.
- 26 9. Page 2, line 20, by inserting after the word
 27 “asthma” the following: “or other airway constricting
 28 disease”.
- 29 10. Title page, line 2, by inserting after the
 30 word “asthma” the following: “or other airway
 31 constricting disease”.
- 32 11. By renumbering as necessary.

PAT WARD

S-5058

- 1 Amend Senate File 2144 as follows:
- 2 1. Page 4, line 28, by inserting before the word
 3 “better” the following: “the”.
- 4 2. Page 4, by striking lines 29 and 30, and
 5 inserting the following: “marketing promotion, and
 6 utilization of cattle ~~and veal calves~~ and the
 7 marketing of products made ~~therefrom~~; from cattle.
 8 The council shall”.
- 9 3. Page 5, by striking lines 3 through 5, and
 10 inserting the following:
 11 “3. Assisting in the development of new or larger
 12 domestic markets ~~both domestic and foreign~~ for cattle
 13 ~~and veal calves~~ and products made ~~therefrom~~ from
 14 cattle.”
- 15 4. Assisting in the development of new or larger
 16 foreign markets for cattle and products made from
 17 cattle.”

JOHN P. KIBBIE

S-5059

- 1 Amend Senate File 2100 as follows:
- 2 1. Page 1, line 22, by striking the words “a
 3 controlled substance” and inserting the following:
 4 “amphetamine, its salts, isomers, or salts of isomers,
 5 or methamphetamine, its salts, isomers, or salts of
 6 isomers”.

LARRY McKIBBEN

S-5060

- 1 Amend Senate File 2217 as follows:
- 2 1. Page 4, line 28, by inserting before the word
 3 “better” the following: “the”.
- 4 2. Page 4, by striking lines 29 and 30, and

5 inserting the following: “~~marketing promotion~~, and
 6 utilization of cattle ~~and veal calves and the~~
 7 marketing of products made therefrom; from cattle.
 8 The council shall”.

9 3. Page 5, by striking lines 3 through 5, and
 10 inserting the following:

11 “3. Assisting in the development of new or larger
 12 domestic markets both domestic and foreign for cattle
 13 and veal calves and products made therefrom from
 14 cattle.

15 4. Assisting in the development of new or larger
 16 foreign markets for cattle and products made from
 17 cattle.”

JOHN P. KIBBIE

S-5061

1 Amend Senate File 2167 as follows:

2 1. Page 11, line 15, by striking the word
 3 “country” and inserting the following: “county”.

JACK HOLVECK

S-5062

1 Amend Senate File 2149 as follows:

2 1. Page 2, line 4, by striking the words and
 3 figures “and 2”, and inserting the following: “, 2,
 4 and 3”.

5 2. Page 2, by inserting after line 22 the
 6 following:

7 “If a prize is merchandise, its value shall be
 8 determined by the purchase price paid by the
 9 organization or donor. If a prize is real property or
 10 is cash and the combined value of the prize or the
 11 cash prize exceeds one hundred thousand dollars, the
 12 department shall conduct a special audit to verify
 13 compliance with the appropriate requirements of this
 14 chapter including all of the following applicable
 15 requirements:

16 Sec. __. Section 99B.7, subsection 1, paragraph
 17 d, subparagraph (1), Code Supplement 2003, is amended
 18 to read as follows:

19 (1) The licensee has submitted a real property or
 20 cash raffle license application and a fee of one
 21 hundred dollars to the department, has been issued a
 22 license, and prominently displays the license at the
 23 drawing area of the raffle.

24 Sec. __. EFFECTIVE DATE. This Act, being deemed
 25 of immediate importance, takes effect upon enactment.”

26 3. Title page, line 2, by inserting after the

27 word “raffles” the following: “and providing an
28 effective date”.
29 4. By renumbering as necessary.

MARK ZIEMAN
GENE FRAISE

S-5063

1 Amend House File 2399, as passed by the House, as
2 follows:
3 1. Page 1, line 7, by striking the words
4 “seventy-two-hour time” and inserting the following:
5 “thirty-day”.
6 2. Title page, by striking line 2 and inserting
7 the following: “from different locations within a
8 thirty-day period.”

BOB BRUNKHORST
KEITH A. KREIMAN

S-5064

1 Amend Senate File 2197 as follows:
2 1. Page 8, by striking lines 17 and 18, 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. Title page, line 3, by striking the words “and
10 making penalties applicable” and inserting the
11 following: “, making penalties applicable, and
12 providing for its contingent effectiveness”.
13 3. By renumbering as necessary.

STEVE WARNSTADT

S-5065

1 Amend Senate File 2032 as follows:
2 1. Page 1, line 5, by inserting after the word
3 “highway” the following: “where the speed limit is
4 greater than fifty-five miles per hour”.

WILLIAM A. DOTZLER, JR.

S-5066

1 Amend Senate File 2154 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 "Section 1. Section 321.555, subsection 1, Code
5 2003, is amended by adding the following new
6 paragraph:
7 NEW PARAGRAPH. i. Failure to obey a school bus
8 warning device in violation of section 321.372,
9 subsection 3.
10 Sec. 2. Section 805.8A, subsection 10, paragraph
11 b, Code Supplement 2003, is amended to read as
12 follows:
13 b. For a violation under section 321.372,
14 subsection 3, the scheduled fine is ~~one~~ two hundred
15 fifty dollars."
16 2. Title page, line 1, by striking the words
17 "parties to whom traffic citations are issued" and
18 inserting the following: "the penalty".

HERMAN C. QUIRMBACH
MATT W. McCOY

S-5067

1 Amend Senate File 2100 as follows:
2 1. Page 1, line 25, by inserting after the figure
3 "4." the following: "However, it is an affirmative
4 defense to a prosecution under this paragraph that the
5 person had reasonable grounds to believe that any
6 action to stop the endangering activity or to leave
7 the child's or minor's home would result in
8 substantial bodily harm to the person or to the child
9 or minor."

HERMAN C. QUIRMBACH

S-5068

1 Amend Senate File 2261 as follows:
2 1. Page 1, by striking lines 21 through 29, and
3 inserting the following:
4 "d. A fourth violation within three years shall
5 result in revocation of the license or permit.
6 e. For purposes of this subsection:
7 (1) The date of any violation shall be used in
8 determining the period between violations.
9 (2) Suspension shall be limited to the specific
10 license or permit for the premises found in violation.
11 (3) Notwithstanding section 123.40, revocation
12 shall be limited to the specific license or permit

13 found in violation and shall not disqualify a licensee
14 or permittee from holding a license or permit at a
15 separate location.”

STEVE KETTERING

S-5069

1 Amend Senate File 2179 as follows:

- 2 1. Page 5, line 4, by striking the word and
3 figure “July 1” and inserting the following: “July 1
4 31”.
- 5 2. Page 5, line 9, by striking the word
6 “calendar” and inserting the following: “calendar”.
- 7 3. Page 5, line 10, by striking the word and
8 figure “June 20” and inserting the following: “June
9 30”.

MARK ZIEMAN

S-5070

1 Amend Senate File 2173 as follows:

- 2 1. Page 1, line 11, by inserting after the word
3 “administration.” the following: “If nationally
4 accepted standards have not been adopted by the
5 federal substance abuse and health services
6 administration, the standards for determining
7 detectable levels of controlled substances for
8 purposes of determining a confirmed positive test
9 result shall be the same standard that has been
10 established by the federal food and drug
11 administration for the measuring instrument used to
12 perform the blood, urine, or oral fluid test.”
- 13 2. Page 1, by inserting after line 18 the
14 following:
15 “Sec. ____ Section 730.5, subsection 7, paragraph
16 a, Code 2003, is amended to read as follows:
17 a. The collection of samples shall be performed
18 under sanitary conditions and with regard to the
19 privacy of the individual from whom the specimen is
20 being obtained and in a manner reasonably calculated
21 to preclude contamination or substitution of the
22 specimen. If the sample collected is urine,
23 procedures shall be established to provide for
24 individual privacy in the collection of the sample
25 unless there is a reasonable suspicion that a
26 particular individual subject to testing may alter or
27 substitute the urine specimen to be provided, or has
28 previously altered or substituted a urine specimen
29 provided pursuant to a drug or alcohol test. For
30 purposes of this paragraph, “individual privacy” means

31 a location at the collection site where urination can
32 occur in private, which has been secured by visual
33 inspection to ensure that other persons are not
34 present, which provides that undetected access to the
35 location is not possible during urination, and which
36 provides for the ability to effectively restrict
37 access to the location during the time the specimen is
38 provided. If an individual is providing a urine
39 sample and collection of the urine sample is directly
40 monitored or observed by another individual, the
41 individual who is directly monitoring or observing the
42 collection shall be of the same gender as the
43 individual from whom the urine sample is being
44 collected.”

45 3. Page 2, lines 23 and 24, by striking the words
46 “The sample shall be split in the approved
47 laboratory.”

48 4. Page 2, line 27, by striking the word “second”
49 and inserting the following: “unused”.

50 5. Page 5, by striking lines 11 through 18.

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1 6. By renumbering as necessary.

NEAL SCHUERER

S-5071

1 Amend Senate File 2078 as follows:

2 1. Page 12, line 31, by inserting after the word
3 “warrants.” the following: “However, the system may,
4 for good cause shown, waive the administrative fee.”

5 2. Page 22, by inserting after line 4 the
6 following:

7 “Sec. ____ 2002 Iowa Acts, chapter 1135, section
8 36, subsections 1 and 3, are amended to read as
9 follows:

10 1. a. Notwithstanding any provision of chapter
11 97B to the contrary, a member of the Iowa public
12 employees’ retirement system who has an employer-
13 mandated reduction in hours or an employee-exercised
14 reduction in pay but remains on the employer’s
15 payroll, and who would receive a reduction in the
16 member’s three-year average covered wage as a result
17 of the reduction in hours or pay, may have the
18 member’s retirement allowance calculated based on the
19 three-year average covered wage the member would have
20 received, based on reasonable assumptions, if the
21 member had not been subject to the employer-mandated
22 reduction in hours or employee-exercised reduction in
23 pay, upon payment by the member of the applicable

24 contribution amount.

25 b. For purposes of this section, ~~the applicable~~
 26 unless the context otherwise requires:

27 (1) "Applicable contribution ~~amount~~ amount" is an
 28 amount equal to the employee and employer
 29 contributions that would have been paid to the system
 30 based on the wages that the member would have received
 31 but for the employer-mandated reduction in hours or
 32 employee-exercised reduction in pay and would have
 33 been included in the member's three-year average
 34 covered wage.

35 (2) "Employee-exercised reduction in pay" means a
 36 reduction in pay of a member who has exercised bumping
 37 rights by accepting a lower-paid position in order to
 38 avoid being laid off by the employer.

39 3. This section shall apply to employer-mandated
 40 reductions in hours or employee-exercised reductions
 41 in pay during the period of time beginning on or after
 42 January 1, 2002, and ending no later than June 30,
 43 ~~2003~~ 2005. The system is authorized to adopt such
 44 rules, including emergency rules, as it deems
 45 necessary or prudent to implement this section."

46 3. Page 22, line 8, by striking the word "The".

47 4. Page 22, line 9, by striking the words
 48 "section of this Act", and inserting the following:

49 "1. The section of this Act".

50 5. Page 22, by inserting after line 12 the

Page 2

1 following:

2 "____. The section of this Act amending 2002 Iowa
 3 Acts, chapter 1135, section 36, being deemed of
 4 immediate importance, takes effect upon enactment and
 5 is retroactively applicable to January 1, 2002, and is
 6 applicable on and after that date."

7 6. Page 22, by inserting after line 14 the
 8 following:

9 "Sec. ____. Section 400.8, subsection 1, Code 2003,
 10 is amended to read as follows:

11 400.8 ORIGINAL ENTRANCE EXAMINATION —
 12 APPOINTMENTS.

13 1. The commission, when necessary under the rules,
 14 including minimum and maximum age limits, which shall
 15 be prescribed and published in advance by the
 16 commission and posted in the city hall, shall hold
 17 examinations for the purpose of determining the
 18 qualifications of applicants for positions under civil
 19 service, other than promotions, which examinations
 20 shall be practical in character and shall relate to
 21 matters which will fairly test the mental and physical
 22 ability of the applicant to discharge the duties of

23 the position to which the applicant seeks appointment.
24 The physical examination of applicants for appointment
25 to the positions of police officer, police matron, or
26 fire fighter shall be held in accordance with medical
27 protocols established by the board of trustees of the
28 fire and police retirement system established by
29 section 411.5 and shall be conducted in accordance
30 with the directives of the board of trustees.

31 However, the prohibitions of section 216.6, subsection
32 1, paragraph "d", regarding tests for the presence of
33 the antibody to the human immunodeficiency virus shall
34 not apply to such examinations. The board of trustees
35 may change the medical protocols at any time the board
36 so determines. The physical examination of an
37 applicant for the position of police officer, police
38 matron, or fire fighter shall be conducted after a
39 conditional offer of employment has been made to the
40 applicant. An applicant shall not be discriminated
41 against on the basis of height, weight, sex, or race
42 in determining physical or mental ability of the
43 applicant. Reasonable rules relating to strength,
44 agility, and general health of applicants shall be
45 prescribed. The costs of the physical examination
46 required under this subsection shall be paid from the
47 trust and agency fund of the city."

48 7. Page 22, line 23, by striking the word
49 "actual" and inserting the following: "reasonable".

50 8. Page 22, by striking lines 24 and 25 and

Page 3

1 inserting the following: "of production."

2 9. By striking page 23, line 29, through page 24,
3 line 15.

4 10. Page 27, by inserting after line 7 the
5 following:

6 "Sec. ___. Section 411.36, subsection 1, paragraph
7 c, Code 2003, is amended to read as follows:

8 c. A city treasurer, city financial officer, or
9 city clerk involved with the financial matters of the
10 city from four participating cities, one of whom is
11 from a city having a population of less than ~~forty~~
12 thirty thousand, and three of whom are from cities
13 having a population of ~~forty~~ thirty thousand or more.
14 The members authorized pursuant to this paragraph
15 shall be appointed by the governing body of the Iowa
16 league of cities."

17 11. By renumbering as necessary.

S-5072

- 1 Amend Senate File 2232 as follows:
- 2 1. Page 1, line 4, by inserting after the word
 - 3 "cord" the following: "or brain".
 - 4 2. Page 1, line 7, by inserting after the word
 - 5 "cord" the following: "or brain".
 - 6 3. Page 1, line 13, by inserting after the word
 - 7 "cord" the following: "and brain".
 - 8 4. Page 1, line 14, by inserting after the word
 - 9 "CORD" the following: "AND BRAIN".
 - 10 5. Page 1, line 16, by inserting after the word
 - 11 "cord" the following: "and brain injury".
 - 12 6. Page 1, line 22, by inserting after the word
 - 13 "cord" the following: "and brain".
 - 14 7. Page 1, line 26, by inserting after the word
 - 15 "cord" the following: "and brain injury".
 - 16 8. Page 1, line 34, by inserting after the word
 - 17 "cord" the following: "and brain injury".
 - 18 9. Page 2, line 1, by inserting after the word
 - 19 "CORD" the following: "AND BRAIN INJURY".
 - 20 10. Page 2, line 3, by inserting after the word
 - 21 "cord" the following: "and brain injury".
 - 22 11. Page 2, line 4, by inserting after the word
 - 23 "cord" the following: "and brain injury".
 - 24 12. Page 2, line 15, by inserting after the word
 - 25 "cord" the following: "or brain".
 - 26 13. Page 2, line 16, by inserting after the word
 - 27 "cord" the following: "or brain".
 - 28 14. Page 2, line 18, by inserting after the word
 - 29 "cord" the following: "or brain".
 - 30 15. Page 2, line 21, by inserting after the word
 - 31 "cord" the following: "or brain".
 - 32 16. Page 2, line 30, by inserting after the word
 - 33 "cord" the following: "or brain".
 - 34 17. Page 3, line 5, by inserting after the word
 - 35 "cord" the following: "and brain".
 - 36 18. Page 3, line 7, by inserting after the word
 - 37 "cord" the following: "and brain injury".
 - 38 19. Page 3, line 9, by inserting after the word
 - 39 "cord" the following: "and brain injury".
 - 40 20. Page 3, line 21, by inserting after the word
 - 41 "cord" the following: "and brain injury".
 - 42 21. Title page, line 1, by inserting after the
 - 43 word "cord" the following: "and brain".

STEVE WARNSTADT

S-5073

- 1 Amend Senate File 2243 as follows:
- 2 1. Page 2, by inserting after line 35 the

3 following:

4 “Sec. ____ Section 602.6301, subsection 3, as
5 enacted by this Act, is amended by striking the
6 subsection.”

7 2. Page 5, by inserting after line 3 the
8 following:

9 “Sec. ____ EFFECTIVE DATE. The section of this
10 Act striking section 602.6301, subsection 3, takes
11 effect July 1, 2008.”

12 3. Title page, line 2, by striking the words
13 “magistrates, and” and inserting the following:
14 “magistrates.”

15 4. Title page, line 3, by inserting after the
16 word “study” the following: “, and providing for an
17 effective date”.

DONALD B. REDFERN

S-5074

1 Amend Senate File 2044 as follows:

2 1. Page 1, line 14, by inserting after the word
3 “strenuous” the following: “physical”.

4 2. Page 1, line 19, by inserting after the word
5 “contrary” the following: “For purposes of this
6 subparagraph subdivision, “nonroutine stressful or
7 strenuous physical activity” includes, but is not
8 limited to, nonroutine stressful or strenuous physical
9 law enforcement, fire suppression, rescue, hazardous
10 material response, emergency medical services, prison
11 security, disaster relief, emergency response, and
12 training exercise activities. “Nonroutine stressful
13 or strenuous physical activity” does not include
14 activities of a clerical, administrative, or nonmanual
15 nature.”

MAGGIE TINSMAN

S-5075

1 Amend Senate File 2279 as follows:

2 1. Page 1, by striking lines 9 and 10, and
3 inserting the following: “If the location described
4 on the petition is in the unincorporated area of a
5 county, the petition requesting establishment of a
6 satellite absentee voting station shall be signed by
7 not less than one hundred eligible electors. If the
8 location described on the petition is in a city, the
9 number of eligible electors required to sign a
10 petition requesting establishment of a satellite
11 absentee voting station is as follows:”

12 2. Page 1, line 11, by striking the words “county”

13 or a".

14 3. Page 1, line 13, by striking the words "county
13 or a".

16 4. Page 1, line 16, by striking the words "county
13 or a".

18 5. Page 1, line 19, by striking the words "county
13 or a".

MARK ZIEMAN

S-5076

1 Amend Senate File 2283 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 155B.1 DEFINITIONS.

5 As used in this chapter, unless the context
6 otherwise requires:

7 1. "Administrator" means an administrator as
8 defined in section 510.11.

9 2. "Commissioner" means the commissioner of
10 insurance.

11 3. "Contract" means a pharmacy benefits management
12 services contract entered into between a pharmacy
13 benefits manager and a covered entity.

14 4. "Covered entity" means a nonprofit hospital or
15 medical service corporation, health insurer, health
16 benefit plan, or health maintenance organization; a
17 health program administered by this state in the
18 capacity of provider of health coverage; or an
19 employer, labor union, or other group of persons
20 organized in the state that provides health coverage
21 to covered individuals who are employed or reside in
22 this state. "Covered entity" does not include a self-
23 funded plan that is exempt from state regulation
24 pursuant to the Employer Retirement Income Security
25 Act of 1974, as codified at 29 U.S.C. § 1001 et seq.,
26 a plan issued for coverage for federal employees, or a
27 health plan that provides coverage only for accidental
28 injury, specified disease, hospital indemnity,
29 Medicare supplement, disability income, long-term
30 care, or other limited benefit health insurance
31 policies and contracts.

32 5. "Covered individual" means a member,
33 participant, enrollee, contract holder, policy holder,
34 or beneficiary of a covered entity who is provided
35 health coverage by the covered entity. "Covered
36 individual" does not include a dependent or other
37 person provided health coverage through a policy,
38 contract, or plan for a covered individual.

39 6. "Generic drug" means a chemically equivalent
40 copy of a brand-name drug with an expired patent.

- 41 7. "Labeler" means a person that receives
42 prescription drugs from a manufacturer or wholesaler
43 and repackages those drugs for later retail sale and
44 that has a labeler code from the United States food
45 and drug administration under 21 C.F.R. § 207.20.
- 46 8. "Parties" means the pharmacy benefits manager
47 and the covered entity that enter into a contract
48 regulated under this chapter.
- 49 9. "Pharmacy benefits management" means the
50 procurement of prescription drugs at a negotiated rate

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- 1 for dispensing within this state to covered
2 individuals, the administration or management of
3 prescription drug benefits provided by a covered
4 entity for the benefit of covered individuals, or any
5 of the following services provided with regard to the
6 administration of the following pharmacy benefits:
- 7 a. Mail service pharmacy.
 - 8 b. Claims processing, retail network management,
9 and payment of claims to pharmacies for prescription
10 drugs dispensed to covered individuals.
 - 11 c. Clinical formulary development and management
12 services.
 - 13 d. Rebate contracting and administration.
 - 14 e. Certain patient compliance, therapeutic
15 intervention, and generic substitution programs.
 - 16 f. Disease management programs involving
17 prescription drug utilization.
- 18 10. "Pharmacy benefits manager" means an entity
19 that performs pharmacy benefits management. "Pharmacy
20 benefits manager" includes a person acting for a
21 pharmacy benefits manager in a contractual or
22 employment relationship in the performance of pharmacy
23 benefits management for a covered entity including
24 mail service pharmacy. "Pharmacy benefits manager"
25 does not include a health insurance carrier when the
26 health insurance carrier or its subsidiary is
27 providing pharmacy benefits management to its own
28 insureds or a public self-funded pool or a private
29 single employer self-funded plan that provides such
30 benefits or services directly to its beneficiaries.
- 31 11. "Proprietary information" means information on
32 pricing, costs, revenue, taxes, market share,
33 negotiating strategies, customers, and personnel held
34 by a private entity and used for that private entity's
35 business purposes.
- 36 12. "Trade secret" means information including a
37 formula, pattern, compilation, program, device,
38 method, technique, or process that does both of the
39 following:

40 a. Derives independent economic value, actual or
41 potential, from not being generally known to and not
42 being readily ascertainable by proper means by other
43 persons who can obtain economic value from its
44 disclosure or use.

45 b. Is the subject of efforts that are reasonable
46 under the circumstances to maintain its secrecy.

47 Sec. 2. NEW SECTION. 155B.2 PHARMACY BENEFITS
48 MANAGER — LICENSE REQUIRED — PERFORMANCE OF DUTIES
49 — PROHIBITION.

50 1. A person shall not operate or act as a pharmacy

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1 benefits manager in this state without a valid
2 certificate of registration as an administrator
3 pursuant to section 510.21.

4 2. A pharmacy benefits manager shall perform its
5 duties exercising good faith and fair dealing toward
6 the covered entity.

7 3. Unless otherwise authorized pursuant to the
8 contract entered into between the parties, a pharmacy
9 benefits manager shall not contact a covered
10 individual without the express written permission of
11 the covered entity.

12 Sec. 3. NEW SECTION. 155B.3 DISCLOSURE OF
13 INFORMATION.

14 1. a. A covered entity may request that a
15 pharmacy benefits manager with which the covered
16 entity has entered into a contract disclose to the
17 covered entity the amount of all rebate revenues and
18 the nature, type, and amounts of all other revenues
19 that the pharmacy benefits manager receives from each
20 pharmaceutical manufacturer or labeler with whom the
21 pharmacy benefits manager has a contract. If such a
22 request is received, the pharmacy benefits manager
23 shall disclose all of the following in writing:

24 (1) The aggregate amount, and for a list of drugs
25 to be specified in the contract, the specific amount
26 of all rebates and other retrospective utilization
27 discounts received by the pharmacy benefits manager
28 directly or indirectly from each pharmaceutical
29 manufacturer or labeler that are earned in connection
30 with the dispensing of prescription drugs to covered
31 individuals of the health benefit plans issued by the
32 covered entity or for which the covered entity is the
33 designated administrator.

34 (2) The nature, type, and amount of all other
35 revenue received by the pharmacy benefits manager
36 directly or indirectly from each pharmaceutical
37 manufacturer or labeler for any other products or
38 services provided to the pharmaceutical manufacturer

39 or labeler by the pharmacy benefits manager with
40 respect to programs that the covered entity offers or
41 provides to its enrollees.

42 (3) Any prescription drug utilization information
43 requested by the covered entity relating to covered
44 individuals.

45 b. A pharmacy benefits manager shall provide the
46 information requested by a covered entity within
47 thirty days of receipt of the request. If requested,
48 the information shall be provided at least once,
49 annually. The contract entered into between the
50 parties shall specify any fees to be charged for drug

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1 utilization reports requested by the covered entity.

2 2. a. With the exception of utilization
3 information, a covered entity shall maintain any
4 information disclosed in response to a request
5 pursuant to subsection 1 as confidential and
6 proprietary information, and shall not use such
7 information for any other purpose or disclose such
8 information to any other person except as otherwise
9 provided in this chapter or in the contract entered
10 into between the parties.

11 b. A covered entity that discloses information in
12 violation of this subsection is subject to an action
13 for injunctive relief and is liable for any damages
14 that are the direct and proximate result of such
15 disclosure.

16 c. This subsection does not prohibit a covered
17 entity from disclosing confidential and proprietary
18 information to the commissioner, upon request of the
19 commissioner. Any information disclosed to the
20 commissioner under this subsection is confidential and
21 privileged and is not open to public inspection or
22 disclosure.

23 3. A covered entity may require, in accordance
24 with the terms of the contract entered into between
25 the parties, the audit of the pharmacy benefits
26 manager's books and records related to the information
27 provided to the covered entity under subsection 1 to
28 the extent the information relates either directly or
29 indirectly to the contract. If the contract entered
30 into between the parties does not provide for such
31 audit, such an audit may be conducted if the audit
32 complies with all of the following:

33 a. The covered entity provides the pharmacy
34 benefits manager with thirty-business-days prior
35 written notice regarding the audit.

36 b. The covered entity requests an audit no more
37 than once in a twelve-month period.

38 c. If the covered entity selects an independent
39 person to conduct such audit, the independent person
40 enters into a confidentiality agreement with the
41 covered entity and the pharmacy benefits manager
42 ensuring that all information obtained during the
43 audit remains confidential. The independent person
44 shall not use, disclose, or otherwise reveal any such
45 information in any manner or form to any other person
46 except as otherwise permitted under the
47 confidentiality agreement. The covered entity shall
48 treat all information obtained as a result of the
49 audit as confidential, and shall not use or disclose
50 such information except as may be otherwise permitted

Page 5

1 under the terms of the contract between the parties or
2 if ordered by a court of competent jurisdiction for
3 good cause shown.

4 d. The audit is conducted at the location of the
5 pharmacy benefits manager where the necessary records
6 are located, during normal business hours, without
7 undue interference with the pharmacy benefits
8 manager's business activities and in accordance with
9 recognized fair and equitable audit procedures.

10 Sec. 4. NEW SECTION. 155B.4 PRESCRIPTION DRUG
11 SUBSTITUTION.

12 1. With regard to the dispensing of a substitute
13 prescription drug for a prescribed drug to a covered
14 individual, if the pharmacy benefits manager requests
15 a substitution, all of the following conditions shall
16 be met:

17 a. The pharmacy benefits manager may request the
18 substitution of a lower-priced generic and
19 therapeutically equivalent drug for a higher-priced
20 prescribed drug.

21 b. With regard to a substitution in which the net
22 cost of the substitute drug is more for the covered
23 individual or the covered entity than the prescribed
24 drug, the substitution may be made only for medical
25 reasons that benefit the covered individual and with
26 the approval of the prescribing health professional.

27 2. This section shall not be interpreted to permit
28 the substitution of an equivalent drug product
29 contrary to the instructions of the prescribing health
30 professional.

31 Sec. 5. NEW SECTION. 155B.5 GENERAL PROVISIONS.

32 1. The commission shall adopt rules pursuant to
33 chapter 17A to administer this chapter.

34 2. A covered entity may bring a civil action to
35 enforce the provisions of this chapter or to seek
36 civil damages for violation of this chapter.

- 37 3. This chapter shall apply to pharmacy benefits
 38 management services contracts entered into or renewed
 39 on or after July 1, 2004.”
 40 2. Title page, line 2, by striking the words “and
 41 making appropriations”.

MARK ZIEMAN

S-5077

- 1 Amend Senate File 2176 as follows:
 2 1. Page 1, line 33, by inserting after the word
 3 “ANTIBULLYING” the following: “AND ANTIHARASSMENT”.
 4 2. By striking page 1, line 35, through page 2,
 5 line 1, and inserting the following: “prohibiting
 6 bullying and harassment of all students based on any
 7 real or perceived characteristic, including, but not
 8 limited to, age, color, creed, national origin, race,
 9 religion, marital status, sex, sexual orientation,
 10 gender identity, physical attributes, physical or
 11 mental ability or disability, ancestry, political
 12 party preference, socioeconomic status, or familial
 13 status. The policy shall be developed with local
 14 input from”.
 15 3. Page 2, by striking lines 9 through 19 and
 16 inserting the following:
 17 “a. A definition of bullying and harassment which
 18 shall be construed to mean the same and defined to
 19 mean any conduct toward a student that is based on any
 20 real or perceived characteristic, including, but not
 21 limited to, age, color, creed, national origin, race,
 22 religion, marital status, sex, sexual orientation,
 23 gender identity, physical attributes, physical or
 24 mental ability or disability, ancestry, political
 25 party preference, socioeconomic status, or familial
 26 status, and that creates an objectively hostile school
 27 environment which meets any of the following
 28 conditions:
 29 (1) Places the student in reasonable fear of harm
 30 to the student’s person or property.
 31 (2) Has a substantially detrimental effect on the
 32 student’s physical or mental health.
 33 (3) Has the effect of substantially interfering
 34 with a student’s academic performance.
 35 (4) Has the effect of substantially interfering
 36 with the student’s ability to participate in or
 37 benefit from the services, activities, or privileges
 38 provided by a school.
 39 b. Effective prevention strategies and
 40 professional development for teachers and
 41 administrators.
 42 c. Monitoring and evaluation of the policy’s

43 effectiveness and inclusion in the comprehensive
 44 school improvement plan filed with the department of
 45 education in accordance with section 256.7, subsection
 46 21.
 47 d. Procedures for receiving and responding to
 48 complaints.
 49 e. Consequences and appropriate remedial action
 50 for violation of the policy, taking into account the

Page 2

1 pattern and severity of particular bullying and
 2 harassing behavior.
 3 f. Public notice of the policy.
 4 g. Prohibition of reprisals or retaliation against
 5 any person who reports bullying or harassing
 6 behavior.”
 7 4. Title page, line 1, by inserting after the
 8 word “bullying” the following: “and harassment”.
 9 5. Title page, line 2, by inserting after the
 10 word “antibullying” the following: “and
 11 antiharassment”.

MATT W. McCOY

S-5078

- 1 Amend Senate File 2259 as follows:
 2 1. Page 1, by striking lines 32 through 34.
 3 2. By renumbering as necessary.

MAGGIE TINSMAN

S-5079

1 Amend Senate File 2176 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 280.16 ANTIBULLYING
 5 POLICY AND PROCEDURES REQUIREMENT.
 6 1. The board of directors of a school district and
 7 the authorities in charge of an accredited nonpublic
 8 school shall each adopt and annually review a policy
 9 prohibiting the bullying of all students. The policy
 10 shall reflect community standards by including local
 11 input from parents, guardians, school employees,
 12 volunteers, students, school administrators, and other
 13 members of the community. Each school board and the
 14 authorities in charge of each nonpublic school shall
 15 annually review their policy with parents, guardians,
 16 school employees, volunteers, students, school
 17 administrators, and other members of the community.

18 2. The antibullying policy shall, at a minimum,
 19 include or provide for all of the following:
 20 a. A definition of bullying.
 21 b. Effective prevention strategies.
 22 c. Monitoring and evaluation of the policy's
 23 effectiveness.
 24 d. Procedures for receiving and responding to
 25 complaints.
 26 e. Consequences and appropriate remedial action
 27 for violation of the policy, taking into account the
 28 pattern and severity of particular bullying behavior.
 29 f. Public notice of the policy.
 30 g. Prohibition of reprisals or retaliation against
 31 any person who reports bullying behavior.
 32 3. Each school board and the authorities in charge
 33 of each nonpublic school shall develop procedures
 34 necessary to implement and administer this section."
 35 2. Title page, line 2, by inserting after the
 36 word "districts" the following: "and accredited
 37 nonpublic schools".

JACK HOLVECK
 KEITH A. KREIMAN

S-5080

1 Amend Senate File 2247 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 "Section 1. Section 321.34, subsection 11,
 5 paragraphs c and d, Code Supplement 2003, are amended
 6 to read as follows:
 7 c. The special natural resources fee for letter
 8 number designated natural resources plates is ~~thirty-~~
 9 ~~five~~ forty-five dollars. The fee for personalized
 10 natural resources plates is forty-five dollars which
 11 shall be paid in addition to the special natural
 12 resources fee of ~~thirty-five~~ forty-five dollars. The
 13 fees collected by the director under this subsection
 14 shall be paid monthly to the treasurer of state and
 15 credited to the road use tax fund. Notwithstanding
 16 section 423.24, and prior to the crediting of revenues
 17 to the road use tax fund under section 423.24,
 18 subsection 1, paragraph "b", the treasurer of state
 19 shall credit monthly from those revenues to the Iowa
 20 resources enhancement and protection fund created
 21 pursuant to section 455A.18, the amount of the special
 22 natural resources fees collected in the previous month
 23 for the natural resources plates.
 24 From the moneys credited to the Iowa resources
 25 enhancement and protection fund under this paragraph
 26 "c", ten dollars of the fee collected for each natural

27 resources plate issued, and fifteen dollars from each
 28 renewal fee, shall be allocated to the department of
 29 natural resources wildlife bureau to be used for
 30 nongame wildlife programs.

31 d. Upon receipt of the special registration
 32 plates, the applicant shall surrender the current
 33 registration receipt and plates to the county
 34 treasurer. The county treasurer shall validate the
 35 special registration plates in the same manner as
 36 regular registration plates are validated under this
 37 section. The annual special natural resources fee for
 38 letter number designated plates is ~~ten~~ twenty-five
 39 dollars which shall be paid in addition to the regular
 40 annual registration fee. The annual fee for
 41 personalized natural resources plates is five dollars
 42 which shall be paid in addition to the annual special
 43 natural resources fee and the regular annual
 44 registration fee. The annual special natural
 45 resources fee shall be credited as provided under
 46 paragraph "c".

47 2. Title page, line 3, by inserting after the
 48 word "plate" the following: ", modifying the fees for
 49 natural resources registration plates,".

50 3. By renumbering as necessary.

MARY LUNDBY

S-5081

1 Amend Senate File 2183 as follows:

2 1. Page 3, by striking lines 14 through 25, and
 3 inserting the following:

4 "a. A one dollar increase in the amount of assets
 5 an individual who purchases a qualified long-term care
 6 insurance policy and meets the requirements of section
 7 249J.4 may retain under section 249A.34 for each one
 8 dollar of benefit paid out under the individual's
 9 qualified long-term care insurance policy for
 10 qualified long-term care services if the policy meets
 11 all of the following criteria:

12 (1) If purchased prior to January 1, 2004,
 13 provides benefits in an amount equal to at least one
 14 hundred thousand dollars as computed on January 1,
 15 2004.

16 (2) If purchased on or after January 1, 2004,
 17 provides benefits in an amount equal to at least one
 18 hundred thousand dollars as computed on January 1,
 19 2004, compounded annually by at least five percent.

20 (3) Includes a provision under which the total
 21 amount of the benefit increases by at least five
 22 percent annually for individuals up to seventy-two
 23 years of age."

- 24 2. By striking page 3, line 30, through page 4,
25 line 1, and inserting the following:
26 “(1) Is the beneficiary of a qualified long-term
27 care insurance policy that provides benefits, if
28 purchased prior to January 1, 1998, in an amount equal
29 to at least one hundred forty thousand dollars as
30 computed on January 1, 1998.
31 (2) Is the beneficiary of a qualified long-term
32 care insurance policy that provides benefits, if
33 purchased on or after January 1, 1998, in an amount
34 equal to at least one hundred forty thousand dollars
35 as computed on January 1, 1998, compounded annually by
36 at least five percent.
37 (3) Is the beneficiary of a qualified long-term
38 care insurance policy that includes a provision under
39 which the total amount of the benefit increases by at
40 least five percent annually for individuals up to
41 seventy-two years of age.”
42 3. Page 4, line 2, by striking the figure “(2)”
43 and inserting the following: “(4)”.
44 4. Page 4, line 3, by striking the figure “(3)”
45 and inserting the following: “(5)”.
46 5. By renumbering as necessary.

NEAL SCHUERER

S-5082

- 1 Amend Senate File 2251 as follows:
2 1. Page 1, by striking lines 1 through 5, and
3 inserting the following:
4 “Sec. ____ Section 103A.7, Code 2003, is amended
5 by adding the following new subsection:
6 NEW SUBSECTION. 7. Standards for the installation
7 of plumbing and for minimum plumbing facilities as
8 provided in chapter 104B. The standards adopted shall
9 be known as the state plumbing code.
10 Sec. ____ Section 103A.10, subsection 4, Code
11 2003, is amended by adding the following new
12 paragraph:
13 NEW PARAGRAPH. c. Provisions of the state
14 building code establishing standards for plumbing
15 installations shall be applicable in cities and to a
16 building or on premises located outside the corporate
17 limits of any city if the building or premises is
18 served by an individual connection to a water
19 distribution system or wastewater collection system
20 serving a municipality. Provisions of the state
21 building code establishing minimum requirements for
22 plumbing facilities as provided in chapter 104B shall
23 apply throughout the state.”
24 2. Page 1, line 13, by inserting after the word

- 25 “codes” the following: “, the state plumbing code
 26 established pursuant to chapter 103A.”
 27 3. Page 1, line 15, by striking the words “local
 28 building codes” and inserting the following: “a local
 29 building codes code”.
 30 4. Page 1, by striking lines 16 through 18, and
 31 inserting the following: “with the state plumbing
 32 code established pursuant to section 135.11 and the
 33 state building code established pursuant to chapter
 34 103A.”
 35 5. By renumbering as necessary.

DOUG SHULL

S-5083

- 1 Amend Senate File 2183 as follows:
 2 1. Page 3, by striking lines 14 through 25, and
 3 inserting the following:
 4 “a. A one dollar increase in the amount of assets
 5 an individual who purchases a qualified long-term care
 6 insurance policy and meets the requirements of section
 7 249J.4 may retain under section 249A.34 for each one
 8 dollar of benefit paid out under the individual’s
 9 qualified long-term care insurance policy for
 10 qualified long-term care services if the policy meets
 11 all of the following criteria:
 12 (1) If purchased on or after July 1, 2004,
 13 provides benefits in an amount equal to at least one
 14 hundred thousand dollars as computed on July 1, 2004,
 15 compounded annually by at least five percent.
 16 (2) Includes a provision under which the total
 17 amount of the benefit increases by at least five
 18 percent annually for individuals up to seventy-two
 19 years of age.”
 20 2. By striking page 3, line 30, through page 4,
 21 line 1, and inserting the following:
 22 “(1) Is the beneficiary of a qualified long-term
 23 care insurance policy purchased on or after July 1,
 24 2004, that provides benefits, in an amount equal to at
 25 least one hundred eighty-eight thousand dollars as
 26 computed on July 1, 2004, compounded annually by at
 27 least five percent.
 28 (2) Is the beneficiary of a qualified long-term
 29 care insurance policy purchased on or after July 1,
 30 2004, that includes a provision under which the total
 31 amount of the benefit increases by at least five
 32 percent annually for individuals up to seventy-two
 33 years of age.”
 34 3. Page 4, line 2, by striking the figure “(2)”
 35 and inserting the following: “(3)”.
 36 4. Page 4, line 3, by striking the figure “(3)”

- 37 and inserting the following: “(4)”.
- 38 5. Page 4, by striking lines 32 through 35.
- 39 6. Page 5, by striking lines 1 through 8.
- 40 7. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5084

- 1 Amend Senate File 2246 as follows:
- 2 1. Page 1, line 10, by inserting after the word
- 3 “four” the following: “unless determined not to be in
- 4 the best interest of the child as provided in the
- 5 social promotion policy adopted by the school in
- 6 accordance with this section”.

PAUL MCKINLEY

S-5085

- 1 Amend House File 2440, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, line 8, by inserting after the figure
- 4 “135.1,” the following: “a licensed physician
- 5 assistant as defined in section 148C.1.”.
- 6 2. By renumbering as necessary.

JOHN PUTNEY
DAVID JOHNSON

S-5086

- 1 Amend the amendment, S-5084, to Senate File 2246 as
- 2 follows:
- 3 1. Page 1, line 5, by striking the word “social”
- 4 and inserting the following: “student”.

PAUL MCKINLEY
MIKE CONNOLLY

S-5087

- 1 Amend Senate File 2246 as follows:
- 2 1. By striking page 1, line 5 through page 5,
- 3 line 4 and inserting the following:
- 4 “Sec. ____ NEW SECTION. 279.60 STUDENT PROMOTION
- 5 POLICY.
- 6 The board of directors of each school district
- 7 shall establish a committee composed of parents,
- 8 teachers, administrators, and other stakeholders, to
- 9 develop a promotion policy that takes into account the

- 10 academic progress of students in reading, mathematics,
 11 and other academic subjects, and which takes into
 12 account the best educational interests of students.
 13 The committee shall submit the policy to the board for
 14 its consideration.”
 15 2. Page 5, by striking lines 8 through 11.
 16 3. Title page, line 1, by inserting after the
 17 word “Act” the following: “relating to student
 18 achievement and promotion, by”.
 19 4. Title page, by striking lines 2 through 4 and
 20 inserting the following: “establish a committee to
 21 develop a student promotion policy, extending the
 22 repeal of the Iowa early intervention block grant
 23 program, and providing an effective date.”
 24 5. By renumbering as necessary.

MIKE CONNOLLY
 ROBERT E. DVORSKY
 JOE BOLKCOM
 GENE FRAISE
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 JACK HOLVECK
 JACK HATCH
 JOE M. SENG
 DICK L. DEARDEN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 THOMAS G. COURTNEY
 STEVE WARNSTADT
 DARYL BEALL

S-5088

- 1 Amend Senate File 2246 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 256D.9, Code Supplement 2003,
 5 is amended to read as follows:
 6 256D.9 FUTURE REPEAL.
 7 This chapter is repealed effective July 1, ~~2004~~
 8 2005.
 9 Sec. 2. NEW SECTION. 279.60 STUDENT PROMOTION
 10 POLICY.
 11 The board of directors of each school district
 12 shall establish a committee composed of parents,
 13 teachers, administrators, and other stakeholders, to
 14 develop a promotion policy that takes into account the
 15 academic progress of students in reading, mathematics,
 16 and other academic subjects, and that takes into
 17 account the best educational interests of students.
 18 The committee shall submit the policy to the board for

19 its consideration.

20 Sec. 3. EFFECTIVE DATE. The section of this Act
21 amending section 256D.9, being deemed of immediate
22 importance, takes effect upon enactment.”

23 2. Title page, line 1, by inserting after the
24 word “Act” the following: “relating to student
25 achievement and promotion, by”.

26 3. Title page, by striking lines 2 through 4 and
27 inserting the following: “establish a committee to
28 develop a student promotion policy, extending the
29 repeal of the Iowa early intervention block grant
30 program, and providing an effective date.”

31 4. By renumbering as necessary.

MIKE CONNOLLY
DARYL BEALL
JOHN P. KIBBIE
GENE FRAISE
MICHAEL E. GRONSTAL
STEVE WARNSTADT
MATT W. McCOY
KEITH A. KREIMAN
HERMAN C. QUIRMBACH
ROGER STEWART
THOMAS G. COURTNEY

S-5089

1 Amend Senate File 2237 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 “Section 1. Section 279.10, subsection 3, Code
5 2003, is amended to read as follows:

6 3. a. The board of directors of a school district
7 may request approval from the department of education
8 for a pilot program for an innovative school year.
9 The number of days per year that school is in session
10 may be more or less than those specified in subsection
11 1, but the innovative school year shall provide for an
12 equivalent number of total hours that school is in
13 session.

14 b. The board shall file a request for approval
15 with the department not later than November 1 of the
16 preceding school year. The request shall detail the
17 educational, financial, social, or other benefits the
18 school district expects to achieve through the pilot
19 program. The request shall include a listing of the
20 savings and goals to be attained under the innovative
21 school year subject to rules adopted by the department
22 under chapter 17A. The department shall notify the
23 districts of the approval or denial of pilot programs
24 not later than the next following January 15.

25 c. A request to continue an innovative school year
 26 pilot project after its initial year also shall
 27 include an evaluation of the savings and impacts on
 28 the educational program in the district.

29 d. Participation in a pilot project shall not
 30 modify provisions of a master contract negotiated
 31 between a school district and a certified bargaining
 32 unit pursuant to chapter 20 unless mutually agreed
 33 upon.

34 e. The department shall approve not more than ten
 35 innovative school year pilot program requests per
 36 school year. This paragraph is repealed effective
 37 June 30, 2007.

38 Sec. 2. INSTRUCTIONAL TIME. Annually, for a
 39 period of three years, the department of education
 40 shall conduct a survey of school districts to compile
 41 data regarding the amount of total scheduled
 42 instructional hours per day provided at the
 43 elementary, junior high or middle school, and high
 44 school levels pursuant to section 256.7, subsection
 45 19, and section 279.10, subsection 1. The department
 46 shall submit a report containing the summarized data,
 47 along with its findings and recommendations to the
 48 general assembly by January 15. Reports submitted in
 49 2006 and 2007 shall compare results of school
 50 districts implementing, during the previous school

Page 2

1 year, financially based innovative school years with
 2 school districts not under financially based
 3 innovative school years.”

BOB BRUNKHORST
 DARYL BEALL

S-5090

1 Amend House File 2150, as passed by the House, as
 2 follows:

3 1. Page 1 by inserting before line 13 the
 4 following:

5 “However, it is an affirmative defense to a
 6 prosecution under this paragraph “g” that the person
 7 had reasonable grounds to believe that any action to
 8 stop the endangering activity or to leave the child’s
 9 or minor’s home would result in substantial bodily
 10 harm to the person or to the child or minor.”

HERMAN C. QUIRMBACH

S-5091

1 Amend House Concurrent Resolution 104, as amended,
2 passed, and reprinted by the House, as follows:
3 1. By striking page 1, line 4, through page 3,
4 line 10, and inserting the following:
5 “A Concurrent Resolution urging state employee unions
6 and the Governor to renegotiate and establish a pay
7 freeze for the fiscal year beginning July 1, 2004.
8 WHEREAS, the Governor and state employee unions
9 negotiated collective bargaining agreements in the
10 winter of 2003 for wages and benefits for state
11 employees for fiscal years 2003–2004 and 2004–2005;
12 and
13 WHEREAS, the collective bargaining agreements
14 negotiated for most state employees provided for a 2.0
15 percent cost of living increase during each fiscal
16 year as well as 3.5 percent to 4.5 percent step
17 increases in pay for eligible state employees during
18 each fiscal year; and
19 WHEREAS, the estimated total cost to the general
20 fund of the state in fiscal year 2004–2005, compared
21 to the estimated net 2003–2004 fiscal year cost, due
22 to the collective bargaining agreements and an
23 increase in other costs, is \$69.4 million; and
24 WHEREAS, implementing a pay freeze for state
25 employees beginning in fiscal year 2004–2005 would
26 realize about \$18.7 million in savings to the state
27 general fund, and \$29.9 million in total savings from
28 all state employees other than employees under the
29 State Board of Regents; and
30 WHEREAS, state revenues since the collective
31 bargaining agreements were negotiated have continued
32 to lag; and
33 WHEREAS, in October 2003, the Revenue Estimating
34 Conference reduced its projection of fiscal year 2003–
35 2004 general fund revenue by \$142.2 million,
36 triggering the Governor’s implementation of a 2.5
37 percent across-the-board reduction in state budgets
38 for executive branch agencies; and
39 WHEREAS, continued budget reductions as a result of
40 less than expected revenues make it increasingly
41 difficult to adequately fund the priorities of this
42 state, including education, homeland security, and
43 economic development activities; and
44 WHEREAS, many Iowans have endured financial
45 sacrifices in the last few years due to layoffs and
46 pay reductions in the private sector; and
47 WHEREAS, implementation of a pay freeze on all
48 union and nonunion state employees for fiscal year
49 2004–2005 would allow the state to better fund
50 priorities applicable to all Iowans while only

Page 2

1 requiring a modest sacrifice by state employees; NOW
2 THEREFORE,
3 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE
4 SENATE CONCURRING, That the General Assembly urges the
5 Governor and each state employee union representing
6 state employees to renegotiate the current collective
7 bargaining agreement applicable to that union and
8 implement a wage freeze for the fiscal year beginning
9 July 1, 2004; and
10 BE IT FURTHER RESOLVED, That the General Assembly
11 commits to fully funding any renegotiated collective
12 bargaining agreement that implements a wage freeze as
13 provided in this Resolution, which commitment shall
14 include no layoffs, furloughs, or cuts to vital state
15 services; and
16 BE IT FURTHER RESOLVED, That the General Assembly
17 encourages leaders of each state employee union
18 representing state employees to call for a vote of
19 their members to reopen contract negotiations with the
20 Governor in order to renegotiate the current
21 collective bargaining agreement and accept a wage
22 freeze for the fiscal year beginning July 1, 2004; and
23 BE IT FURTHER RESOLVED, That copies of this
24 Resolution be sent by the Chief Clerk of the House of
25 Representatives to the Governor of Iowa and to a
26 representative of each of the state employee unions
27 representing state employees.”

GENE FRAISE
DARYL BEALL
DENNIS H. BLACK
JOE BOLKCOM
MIKE CONNOLLY
THOMAS G. COURTNEY
DICK L. DEARDEN
WILLIAM A. DOTZLER, JR.
ROBERT E. DVORSKY
MICHAEL E. GRONSTAL
JACK HATCH
JACK HOLVECK
WALLY E. HORN
JOHN P. KIBBIE
KEITH A. KREIMAN
MATT W. McCOY
HERMAN C. QUIRMBACH
AMANDA RAGAN
JOE M. SENG
ROGER STEWART
STEVE WARNSTADT

S-5092

- 1 Amend Senate File 2278 as follows:
- 2 1. Page 1, by striking line 35 and inserting the
3 following:
4 “___ . If the department of corrections makes a
5 recommendation to”.
- 6 2. Page 2, by striking lines 3 and 4 and
7 inserting the following:
8 “(1) The person suffers from a chronic infirmity,
9 physical limitation, serious illness, or serious
10 disease related to”.
- 11 3. Page 2, line 10, by striking the word
12 “application” and inserting the following:
13 “recommendation”.
- 14 4. Page 2, line 18, by striking the word
15 “application” and inserting the following:
16 “recommendation”.
- 17 5. Page 3, by inserting after line 8 the
18 following:
19 “___ . The board shall adopt rules pursuant to
20 chapter 17A which are necessary to carry out the
21 provisions of this section.”
- 22 6. Page 5, by inserting after line 32 the
23 following:
24 “DIVISION III
25 Sec. ___. EFFECTIVE DATE. This Act takes effect
26 January 1, 2005.”
- 27 7. Title page, line 2, by inserting after the
28 word “corrections” the following: “ , and providing an
29 effective date”.
- 30 8. By renumbering as necessary.

DAVID MILLER

S-5093

- 1 Amend Senate File 2146 as follows:
- 2 1. Page 1, by striking lines 3 and 4 and
3 inserting the following:
4 “1. In the event that federal funding is received
5 for administering vaccinations for first responders,
6 the department shall offer a”.
- 7 2. Page 2, line 3, by striking the words “and
8 physicians” and inserting the following: “physicians,
9 and military unit clinics”.
- 10 3. Page 2, by striking lines 4 through 7.
- 11 4. By renumbering as necessary.

E. THURMAN GASKILL

S-5094

1 Amend House File 2134, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 27, by inserting after the word
 4 "licensed" the following: "residential care
 5 facilities and the number of licensed".
 6 2. Page 1, line 28, by inserting after the figure
 7 "2003," the following: "For the purpose of this
 8 definition, the number of openings necessary to
 9 provide home and community-based waiver services to
 10 individuals is in addition to the number of openings
 11 existing as of December 1, 2003."
 12 3. Page 2, line 18, by inserting after the word
 13 "licensed" the following: "residential care
 14 facilities and the number of licensed".
 15 4. Page 2, line 19, by inserting after the figure
 16 "2003," the following: "For the purpose of this
 17 section, the number of openings necessary to provide
 18 home and community-based waiver services to
 19 individuals is in addition to the number of openings
 20 existing as of December 1, 2003."

COMMITTEE ON HUMAN RESOURCES
 KEN VEENSTRA, Chair

S-5095

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by striking lines 8 and 9 and
 4 inserting the following: "section 135.1, a licensed
 5 physician assistant as defined in section 148C.1, a
 6 nurse, including an advanced registered nurse
 7 practitioner, licensed pursuant to chapter 152, a
 8 hospital as defined in".

JOHN PUTNEY
 DAVID JOHNSON

S-5096

1 Amend Senate File 2290 as follows:
 2 1. By striking page 1, line 10, through page 2,
 3 line 29, and inserting the following:
 4 "Sec. ____ NEW SECTION. 15.331C CORPORATE TAX
 5 CREDIT — FOR CERTAIN SALES TAXES PAID BY DEVELOPER.
 6 1. An eligible business or a supporting business
 7 may claim a corporate tax credit in an amount equal to
 8 the taxes paid by a third-party developer under
 9 chapters 422 and 423 for gas, electricity, water, or
 10 sewer utility services, goods, wares, or merchandise,

11 or on services rendered, furnished, or performed to or
12 for a contractor or subcontractor and used in the
13 fulfillment of a written contract relating to the
14 construction or equipping of a facility with the
15 economic development area of the eligible business or
16 supporting business. Taxes attributable to intangible
17 property and furniture and furnishings shall not be
18 included, but taxes attributable to racks, shelving,
19 and conveyor equipment to be used in a warehouse or
20 distribution center shall be included. Any credit in
21 excess of the tax liability for the tax year may be
22 credited to the tax liability for the following seven
23 years or until depleted, whichever occurs earlier. An
24 eligible business may elect to receive a refund of all
25 or a portion of an unused tax credit.

26 2. A third-party developer shall state under oath,
27 on forms provided by the department of economic
28 development, the amount of taxes paid as described in
29 subsection 1 and shall submit such forms to the
30 department. After receiving the form from the third-
31 party developer, the department shall issue a tax
32 credit to the eligible business or supporting
33 business. The eligible business or supporting
34 business shall not claim a tax credit under this
35 section unless a tax credit certificate issued by the
36 department of economic development is attached to the
37 taxpayer's tax return for the tax year for which the
38 tax credit is claimed. A tax credit certificate shall
39 contain the eligible business's or supporting
40 business's name, address, tax identification number,
41 the amount of the tax credit, and other information
42 required by the department of revenue."

43 2. Page 4, line 7, by striking the word "ten" and
44 inserting the following: "five".

45 3. Page 6, line 2, by striking the word "ten" and
46 inserting the following: "five".

47 4. Page 6, by inserting after line 2 the
48 following:

49 "Sec. ____ Section 15.385, Code Supplement 2003,
50 is amended by adding the following new subsection:

Page 2

1 NEW SUBSECTION. 1A. Corporate tax credit for
2 certain sales taxes paid by a developer, as provided
3 in section 15.331C."

4 5. Page 6, line 25, by striking the word "ten"
5 and inserting the following: "five".

6 6. Page 8, line 1, by striking the word "ten" and
7 inserting the following: "five".

S-5097HOUSE AMENDMENT TO
SENATE FILE 2070

- 1 Amend Senate File 2070, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 5, line 9, by striking the words "and
4 time".
- 5 2. Page 7, line 13, by striking the words "and
6 time".
- 7 3. Page 10, line 33, by striking the words "and
8 time".
- 9 4. Page 10, line 34, by inserting after the word
10 "application," the following: "If the delivery is by
11 electronic means and the time is electronically
12 recorded on the application along with the date, the
13 time shall be included with the date on all subsequent
14 documents and records where the date of perfection is
15 required under this chapter."
- 16 5. Page 11, line 26, by striking the words "and
17 time".
- 18 6. Page 11, line 29, by striking the words "and
19 time".
- 20 7. Page 11, line 34, by striking the words "and
21 time".
- 22 8. Page 12, line 3, by striking the words "and
23 time".

S-5098

- 1 Amend Senate File 2280 as follows:
- 2 1. Page 1, by striking line 14 and inserting the
3 following: "Supplement 2003, is amended to read as
4 follows:
- 5 d. A director of a charter agency may authorize
6 the payment of bonuses to employees of the charter
7 agency who are not a director or deputy director of
8 the charter agency in a total amount not in excess of
9 fifty percent of the director's annual rate of pay,
10 based upon the director's evaluation of the employees'
11 performance during any fiscal year if the revenue
12 estimating conference projection of revenue for that
13 fiscal year determined pursuant to section 8.22A,
14 subsection 3, exceeds the revenue estimate for the
15 prior fiscal year by at least four percent."
- 16 2. Page 1, line 34, by inserting after the word
17 "Act" the following: "and only for or during any
18 fiscal year if the revenue estimating conference
19 projection of revenue for that fiscal year determined
20 pursuant to section 8.22A, subsection 3, does not

21 exceed the revenue estimate for the prior fiscal year
22 by at least four percent”.

NEAL SCHUERER

S-5099

1 Amend Senate File 2281 as follows:
2 1. Page 1, line 14, by striking the words “of a
3 political subdivision”.

STEVE KETTERING

S-5100

1 Amend House File 2340, as passed by the House, as
2 follows:
3 1. Page 1, line 14, by inserting after the word
4 “body” the following: “of a political subdivision”.
5 2. Title page, line 1, by striking the word
6 “city” and inserting the following: “local
7 government”.

STEVE KETTERING

S-5101

1 Amend Senate File 2154 as follows:
2 1. Page 2, line 8, by striking the words
3 “rebuttable presumption” and inserting the following:
4 “permissible inference”.

DONALD B. REDFERN

S-5102

1 Amend Senate File 2281 as follows:
2 1. Page 1, line 14, by striking the words “of a
3 political subdivision”.
4 2. Title page, lines 1 and 2 by striking the
5 words “local government” and inserting the following:
6 “city”.

STEVE KETTERING

S-5103

1 Amend House File 2281, as passed by the House, as
2 follows:
3 1. Page 1, by inserting after line 9 the
4 following:

5 “Sec. ____ EFFECTIVE DATE. This Act takes effect
 6 upon enactment.”
 7 2. Title page, line 1, by inserting after the
 8 word “dealers” the following: “and providing an
 9 effective date”.

COMMITTEE ON NATURAL RESOURCES
 AND ENVIRONMENT
 HUBERT HOUSER, Chair

S-5104

1 Amend Senate File 2257 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. NEW SECTION. 515.109A USE OF CREDIT
 5 INFORMATION — PERSONAL INSURANCE.
 6 1. DEFINITIONS. As used in this section unless
 7 the context otherwise requires:
 8 a. “Adverse action” means a denial of issuance,
 9 cancellation, or refusal to renew, an increase in any
 10 charge for, or a reduction or other unfavorable change
 11 in the terms of coverage or amount of any personal
 12 insurance existing or applied for, or in connection
 13 with the underwriting of personal insurance.
 14 b. “Affiliate” means any company that controls, is
 15 controlled by, or is under common control with another
 16 company.
 17 c. “Applicant” means an individual who has applied
 18 to be covered by a personal insurance policy with an
 19 insurer.
 20 d. “Consumer” means an insured whose credit
 21 information is used or whose insurance score is
 22 calculated in the underwriting or rating of a personal
 23 insurance policy or an applicant for such a personal
 24 insurance policy.
 25 e. “Consumer reporting agency” means any person
 26 that, for monetary fees, dues, or on a cooperative
 27 nonprofit basis, regularly engages in whole or in part
 28 in the practice of assembling or evaluating consumer
 29 credit information or other information concerning
 30 consumers for the purpose of furnishing consumer
 31 credit reports to third parties.
 32 f. “Credit information” means any information
 33 related to credit that is contained in or derived from
 34 a credit report, or provided in an application for
 35 personal insurance. Information that is not related
 36 to credit shall not be considered “credit information”
 37 regardless of whether the information is contained in
 38 or derived from a credit report or an application for
 39 credit or is used to calculate an insurance score.
 40 g. “Credit report” means any written, oral, or

41 other communication of information by a consumer
42 reporting agency that relates to a consumer's
43 creditworthiness, credit standing, or credit capacity
44 and that is used or expected to be used or is
45 collected, in whole or in part, for the purpose of
46 serving as a factor in determining personal insurance
47 premiums, eligibility for personal insurance coverage,
48 or tier placement.
49 h. "Insurance score" means a number or rating that
50 is derived from an algorithm, computer application,

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1 model, or other process that is based in whole or in
2 part on credit information for the purposes of
3 predicting the future insurance loss exposure of a
4 consumer.
5 i. "Insured" means an individual who is covered by
6 a personal insurance policy.
7 j. "Personal insurance" means personal insurance
8 and not commercial insurance and is limited to private
9 passenger automobile, homeowners, farm owners,
10 personal farm liability, motorcycle, mobile home
11 owners, noncommercial dwelling fire insurance, boat,
12 personal watercraft, snowmobile, and recreational
13 vehicle policies, that are individually underwritten
14 for personal, family, farm, or household use. No
15 other type of insurance is included as personal
16 insurance for the purposes of this section.
17 2. USE OF CREDIT INFORMATION. An insurer
18 authorized to do business in Iowa that uses credit
19 information to underwrite or rate risks for a policy
20 of personal insurance shall not do any of the
21 following:
22 a. Use an insurance score that is calculated using
23 income, gender, address, zip code, ethnic group,
24 religion, marital status, or nationality of a consumer
25 as a factor.
26 b. Deny issuance, cancel, or refuse to renew a
27 policy of personal insurance solely on the basis of
28 credit information, without consideration of any other
29 applicable underwriting factors independent of credit
30 information that are not otherwise prohibited under
31 paragraph "a".
32 c. Base a consumer's renewal rates for personal
33 insurance solely on the basis of credit information,
34 without consideration of any other applicable
35 underwriting factors independent of credit information
36 that are not otherwise prohibited under paragraph "a".
37 d. Take adverse action against a consumer solely
38 because the consumer does not have a credit card
39 account, without consideration of any other applicable

40 underwriting factors independent of credit information
41 that are not otherwise prohibited under paragraph "a".
42 e. Consider an absence of credit information or an
43 inability to calculate an insurance score in
44 underwriting or rating personal insurance unless the
45 insurer does one of the following:
46 (1) Treats the consumer as if the consumer has
47 neutral credit information, as defined by the insurer.
48 (2) Excludes the use of credit information as an
49 underwriting factor and only uses other underwriting
50 criteria.

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1 f. Take adverse action against a consumer based on
2 credit information, unless the insurer obtains and
3 uses a credit report issued or an insurance score
4 calculated within ninety days before the date a
5 personal insurance policy is first written or a
6 renewal is issued.
7 g. Use credit information unless not later than
8 every thirty-six months following the last time that
9 the insurer obtained current credit information for
10 the consumer, the insurer recalculates the insurance
11 score or obtains an updated credit report for the
12 consumer. Regardless of the requirements of this
13 paragraph, an insurer shall do all of the following:
14 (1) At annual renewal, upon the request of the
15 consumer or the consumer's agent, the insurer shall
16 re-underwrite and re-rate the personal insurance
17 policy based upon a current credit report or insurance
18 score. An insurer is not required to recalculate an
19 insurance score or obtain a current credit report more
20 than once in a twelve-month period.
21 (2) The insurer shall have the discretion to
22 obtain current credit information for a consumer more
23 frequently than every thirty-six months, if consistent
24 with the insurer's underwriting guidelines.
25 (3) Notwithstanding subparagraph (1), an insurer
26 is not required to obtain current credit information
27 for a consumer if any of the following applies:
28 (a) The insurer is treating the consumer as
29 otherwise approved by the commissioner of insurance.
30 (b) The consumer is in the most favorably priced
31 tier of the insurer, within a group of affiliated
32 insurers. However, the insurer shall have the
33 discretion to obtain current credit information, if
34 consistent with the insurer's underwriting guidelines.
35 (c) Credit information was not used for
36 underwriting or rating the insured when the personal
37 insurance policy was initially written. However, the
38 insurer shall have the discretion to obtain current

39 credit information, if consistent with the insurer's
40 underwriting guidelines.
41 (d) The insurer reevaluates the insured beginning
42 no later than thirty-six months after the personal
43 insurance policy was initially written and thereafter,
44 based on other underwriting or rating factors,
45 excluding credit information.
46 h. Use any of the following as a negative factor
47 in any insurance scoring methodology or in reviewing
48 credit information for the purpose of underwriting or
49 rating a personal insurance policy:
50 (1) Credit inquiries not initiated by the consumer

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1 or inquiries requested by the consumer for the
2 consumer's own credit information.
3 (2) Inquiries relating to insurance coverage, if
4 so identified on a consumer's credit report.
5 (3) Collection accounts with a medical industry
6 code, if so identified on a consumer's credit report.
7 (4) Multiple lender inquiries, if coded by a
8 consumer reporting agency on the consumer's credit
9 report as being from the home mortgage industry and
10 made within thirty days of one another, unless only
11 one inquiry is considered.
12 (5) Multiple lender inquiries, if coded by a
13 consumer reporting agency on the consumer's credit
14 report as being from the automobile lending industry
15 and made within thirty days of one another, unless
16 only one inquiry is considered.
17 3. DISPUTE RESOLUTION AND ERROR CORRECTION. If it
18 is determined through the dispute resolution process
19 set forth under the federal Fair Credit Reporting Act,
20 15 U.S.C. § 1681i(a)(5), that the credit information
21 of a current insured is incorrect or incomplete and
22 the insurer receives notice of such determination from
23 either the consumer reporting agency or from the
24 insured, the insurer shall re-underwrite and re-rate
25 the insured within thirty days of receiving the
26 notice. After re-underwriting or re-rating the
27 insured, the insurer shall make any adjustments
28 necessary, consistent with the insurer's underwriting
29 and rating guidelines. If an insurer determines that
30 an insured has overpaid premium on a personal
31 insurance policy, the insurer shall refund the amount
32 of the overpayment to the insured, calculated for
33 either the last twelve months of coverage or the
34 actual policy period, whichever is shorter.
35 4. INITIAL NOTIFICATION.
36 a. If an insurer writing personal insurance uses
37 credit information in underwriting or rating a

38 consumer, the insurer or the insurer's agent shall
39 disclose, either on the insurance application or at
40 the time that the insurance application is taken that
41 the insurer may obtain credit information of the
42 consumer in connection with the application. Such
43 disclosure to a consumer shall either be written or
44 provided in the same medium as the application for
45 insurance. An insurer is not required to provide the
46 disclosure statement required under this subsection to
47 a consumer in connection with the renewal of a
48 personal insurance policy if the consumer has
49 previously been provided with such a disclosure
50 statement.

Page 5

1 b. An insurer that uses the following statement of
2 disclosure shall be deemed to be in compliance with
3 this subsection:
4 "In connection with this application for insurance,
5 we may review your credit report or use a credit-based
6 insurance score based on the information contained in
7 that credit report. We may use a third party in
8 connection with the development of your insurance
9 score."
10 5. NOTIFICATION OF ADVERSE ACTION. If an insurer
11 takes adverse action against a consumer based on
12 credit information, the insurer shall do all of the
13 following:
14 a. Provide notification to the consumer that
15 adverse action has been taken, in accordance with the
16 requirements of the federal Fair Credit Reporting Act,
17 15 U.S.C. § 1681m(a).
18 b. Provide notification to the consumer explaining
19 the reasons for the adverse action taken. Such notice
20 shall give reasons for the adverse action taken in
21 language that is sufficiently clear and specific so
22 that a person can identify the basis for the insurer's
23 decision to take adverse action. Such notification
24 shall include a description of up to four factors that
25 were the primary influences for the adverse action
26 taken. The use of generalized terms such as "poor
27 credit history", "poor credit rating", or "poor
28 insurance score" does not meet the explanation
29 requirements of this paragraph. Standardized credit
30 explanations that are provided by consumer reporting
31 agencies or other third-party vendors are deemed to
32 comply with this paragraph.
33 6. INFORMATION FILED WITH THE COMMISSIONER OF
34 INSURANCE.
35 a. An insurer that uses insurance scores to
36 underwrite and rate risks for personal insurance shall

37 file the insurer's scoring models or other scoring
38 processes with the commissioner of insurance. A third
39 party may file scoring models on behalf of an insurer.
40 Information filed with the commissioner that includes
41 insurance scoring models may include information
42 including loss experience that justifies the insurer's
43 use of credit information.

44 b. Information filed with the commissioner of
45 insurance pursuant to this subsection shall be
46 considered a confidential record and be recognized and
47 protected as a trade secret pursuant to section 22.7,
48 subsection 3.

49 7. INDEMNIFICATION. An insurer shall indemnify,
50 defend, and hold harmless agents or producers of the

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1 insurer from and against all liability, fees, and
2 costs, arising out of or relating to the actions,
3 errors, or omissions of an agent or producer who
4 obtains or uses credit information or insurance scores
5 on behalf of an insurer, provided that the agent or
6 producer follows the instructions or procedures
7 established by the insurer and complies with any
8 applicable law or regulation. This subsection shall
9 not be construed to provide a consumer or other
10 insured with a cause of action that does not exist in
11 the absence of this subsection.

12 8. CONSUMER REPORTING AGENCY — SALE OF CREDIT
13 INFORMATION.

14 a. A consumer reporting agency shall not provide
15 or sell data or lists that include any information
16 that was submitted, in whole or in part, in
17 conjunction with an insurance inquiry about a
18 consumer's credit information or a request for a
19 credit report or insurance score. Such information
20 includes, but is not limited to, the expiration dates
21 of an insurance policy or any other information that
22 can be used to identify the expiration date of a
23 consumer's insurance policy or the terms and
24 conditions of the consumer's insurance coverage.

25 b. This subsection does not apply to the provision
26 of information, including data or lists, by a consumer
27 reporting agency to the agent or producer from whom
28 the information was received, to the insurer on whose
29 behalf the agent or producer acted, or to the
30 insurer's affiliates or holding companies.

31 c. This subsection shall not be construed to
32 restrict an insurer from obtaining a claims history
33 report or a motor vehicle report of a consumer.

34 9. SEVERABILITY. If any subsection, paragraph,
35 sentence, clause, phrase, or any other part of this

36 section is declared invalid due to an interpretation
 37 of or a future change in the federal Fair Credit
 38 Reporting Act, the remaining subsections, paragraphs,
 39 sentences, clauses, phrases, or parts thereof shall be
 40 in no manner affected thereby but shall remain in full
 41 force and effect.

42 10. APPLICABILITY DATE. This section applies to
 43 personal insurance contracts or policies delivered,
 44 issued for delivery, continued, or renewed in this
 45 state on or after April 1, 2005.”

46 2. Title page, line 2, by striking the words
 47 “lines of property and casualty”.

STEVE KETTERING
 JOE BOLKCOM

S-5105

1 Amend House File 2186, as passed by the House, as
 2 follows:

3 1. Page 1, by striking lines 8 through 25, and
 4 inserting the following:
 5 “(1) 150 points or less: A minimum of two
 6 thousand dollars and not more than five thousand
 7 dollars, in an amount that is deemed reasonable by the
 8 court.

9 (2) More than 150 points: A minimum of five
 10 thousand dollars and not more than ten thousand
 11 dollars, in an amount that is deemed reasonable by the
 12 court.”

DAVID MILLER

S-5106

1 Amend Senate File 2289 as follows:

2 1. Page 4, by striking lines 5 and 6, and
 3 inserting the following: “every rate, charge, rental,
 4 or special assessment certified as a lien to the
 5 treasurer for”.

DAVID MILLER

S-5107

1 Amend the amendment, S-5104, to Senate File 2257 as
 2 follows:

3 1. Page 3, line 10, by striking the word
 4 “consumer” and inserting the following: “insured”.
 5 2. Page 3, line 12, by striking the word
 6 “consumer” and inserting the following: “insured”.
 7 3. Page 3, line 13, by striking the words “, an

- 8 insurer shall do all of the following”.
- 9 4. Page 3, line 38, by striking the word “obtain”
10 and inserting the following: “use”.
- 11 5. Page 3, line 39, by inserting after the word
12 “information” the following: “for underwriting or
13 rating the insured upon renewal of the policy”.
- 14 6. Page 5, line 5, by inserting after the word
15 “report” the following: “or obtain”.

STEVE KETTERING

S-5108

HOUSE AMENDMENT TO
SENATE FILE 2290

- 1 Amend Senate File 2290, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, by inserting after line 9 the
4 following:
- 5 “Sec. ____ Section 15.331A, unnumbered paragraph
6 1, Code Supplement 2003, is amended to read as
7 follows:
- 8 The eligible business or a supporting business
9 shall be entitled to a refund of the taxes paid under
10 chapters 422 and 423 for gas, electricity, water, or
11 sewer utility services, goods, wares, or merchandise,
12 or on services rendered, furnished, or performed to or
13 for a contractor or subcontractor and used in the
14 fulfillment of a written contract relating to the
15 construction or equipping of a facility within the
16 economic development area of the eligible business or
17 a supporting business. Taxes attributable to
18 intangible property and furniture and furnishings
19 shall not be refunded. However, an eligible business
20 shall be entitled to a refund for taxes attributable
21 to racks, shelving, and conveyor equipment to be used
22 in a warehouse or distribution center subject to
23 section 15.331C.”
- 24 2. Page 1, line 33, by inserting after the word
25 “department.” the following: “The taxes paid shall be
26 itemized to allow identification of the taxes
27 attributable to racks, shelving, and conveyor
28 equipment to be used in a warehouse or distribution
29 center.”
- 30 3. Page 1, line 35, by inserting after the word
31 “credit” the following: “certificate”.
- 32 4. Page 1, line 35, by inserting after the words
33 “supporting business” the following: “equal to the
34 taxes paid by a third-party developer under chapters
35 422 and 423 for gas, electricity, water, or sewer
36 utility services, goods, wares, or merchandise, or on

37 services rendered, furnished, or performed to or for a
 38 contractor or subcontractor and used in the
 39 fulfillment of a written contract relating to the
 40 construction or equipping of a facility. The
 41 department shall also issue a tax credit certificate
 42 to the eligible business or supporting business equal
 43 to the taxes paid and attributable to racks, shelving,
 44 and conveyor equipment to be used in a warehouse or
 45 distribution center. The aggregate combined total
 46 amount of tax refunds under section 15.331A for taxes
 47 attributable to racks, shelving, and conveyor
 48 equipment to be used in a warehouse or distribution
 49 center and of tax credit certificates issued by the
 50 department for the taxes paid and attributable to

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1 racks, shelving, and conveyor equipment to be used in
 2 a warehouse or distribution center shall not exceed
 3 five hundred thousand dollars in a fiscal year. If an
 4 applicant for a tax credit certificate does not
 5 receive a certificate for the taxes paid and
 6 attributable to racks, shelving, and conveyor
 7 equipment to be used in a warehouse or distribution
 8 center, the application shall be considered in
 9 succeeding fiscal years”.

10 5. Page 3, line 22, by striking the word “five”,
 11 and inserting the following: “ten”.

12 6. Page 5, line 17, by striking the word “five”,
 13 and inserting the following: “ten”.

14 7. By renumbering as necessary.

S-5109

1 Amend Senate File 2274 as follows:
 2 1. Page 2, line 23, by striking the figure
 3 “504A.503” and inserting the following: “504.503”.
 4 2. Page 5, line 35, by striking the figures and
 5 word “504.503 and 504.1510” and inserting the
 6 following: “504.504, 504.1510, and 504.1613”.
 7 3. Page 7, by striking lines 18 through 21 and
 8 inserting the following:
 9 “c. That all fees have been paid.”
 10 4. Page 11, line 11, by striking the figures and
 11 word “6 or 7” and inserting the following: “VI or
 12 VII”.
 13 5. Page 17, line 5, by striking the word “Each”
 14 and inserting the following: “An”.
 15 6. Page 30, line 17, by striking the word
 16 “therefore” and inserting the following: “therefor”.
 17 7. Page 46, line 9, by inserting after the word
 18 “appointment” the following: “form”.

- 19 8. Page 74, line 23, by striking the word
20 “director,” and inserting the following: “director
21 or”.
- 22 9. Page 128, by striking lines 12 and 13.
- 23 10. Page 128, line 14, by striking the letter
24 “f.” and inserting the following: “e.”
- 25 11. Page 129, line 6, by striking the figure
26 “504.508” and inserting the following: “504.503”.
- 27 12. Page 129, line 9, by striking the figure
28 “504.508” and inserting the following: “504.503”.
- 29 13. Page 131, line 30, by striking the word
30 “Each” and inserting the following: “For the purposes
31 of this chapter, each”.
- 32 14. Page 131, line 30, by striking the word
33 “designated” and inserting the following: “deemed”.
- 34 15. Page 135, line 25, by striking the words “or
35 agents”.
- 36 16. Page 137, by striking lines 30 and 31, and
37 inserting the following:
38 “Sec. ____ Chapter 504A, Code 2005, is repealed
39 effective July 1, 2005.”

KEITH A. KREIMAN

S-5110

- 1 Amend the amendment, S-5104, to Senate File 2257,
2 as follows:
3 1. Page 2, by inserting after line 45 the
4 following:
5 “(1) Receives prior approval from the commissioner
6 that the absence of credit information or the
7 inability to calculate an insurance score relates to
8 the risk for the insurer.”
9 2. By renumbering as necessary.

STEVE KETTERING

S-5111

- 1 Amend Senate File 2255 as follows:
2 1. Page 2, by inserting after line 24 the
3 following:
4 “(5) The director of the department of cultural
5 affairs, or the director’s designee.
6 (6) The state librarian or the state librarian’s
7 designee.”
8 2. By renumbering as necessary.

NANCY J. BOETTGER

S-5112

1 Amend Senate File 2275 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 “Section 1. Section 602.8102, Code Supplement
5 2003, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. 135C. Assess the domestic abuse
8 assault surcharge of fifty dollars as provided by
9 section 911.4.

10 Sec. ____ Section 602.8107, subsection 4,
11 unnumbered paragraph 2, Code Supplement 2003, is
12 amended to read as follows:

13 This subsection does not apply to amounts collected
14 for victim restitution, the victim compensation fund,
15 criminal penalty surcharge, law enforcement initiative
16 surcharge, domestic abuse assault surcharge, amounts
17 collected as a result of procedures initiated under
18 subsection 5 or under section 8A.504, or sheriff's
19 room and board fees.

20 Sec. ____ Section 602.8108, Code Supplement 2003,
21 is amended by adding the following new subsection:

22 NEW SECTION. 4A. Notwithstanding provisions of
23 this section to the contrary, all moneys collected
24 from the domestic abuse assault surcharge provided in
25 section 911.4 shall be deposited in the crime victim
26 compensation fund established in section 915.94.”

27 2. Page 1, by inserting after line 27 the
28 following:

29 “Sec. ____ Section 902.9, unnumbered paragraph 2,
30 Code 2003, is amended to read as follows:

31 The ~~criminal penalty surcharge surcharges~~ required
32 by sections 911.2, ~~and~~ 911.3, and 911.4 shall be added
33 to a fine imposed on a class “C” or class “D” felon,
34 as provided by those sections, and is not a part of or
35 subject to the maximums set in this section.

36 Sec. ____ Section 903.1, subsection 4, Code 2003,
37 is amended to read as follows:

38 4. The ~~criminal penalty surcharge surcharges~~
39 required by sections 911.2, ~~and~~ 911.3, and 911.4 shall
40 be added to a fine imposed on a misdemeanor, and ~~is~~
41 are not a part of or subject to the maximums set in
42 this section.

43 Sec. ____ Section 909.8, Code 2003, is amended to
44 read as follows:

45 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
46 SURCHARGE.

47 The provisions of this chapter governing the
48 payment and collection of a fine, except section
49 909.3A, also apply to the payment and collection of
50 surcharges imposed pursuant to chapter 911. However,

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1 section 909.10 shall not apply to surcharges assessed
 2 under ~~section~~ sections 911.3 and 911.4.
 3 Sec. ____ NEW SECTION. 911.4 DOMESTIC ABUSE
 4 ASSAULT SURCHARGE.
 5 In addition to any of the other surcharges assessed
 6 under this chapter, a domestic abuse assault surcharge
 7 of fifty dollars shall be assessed by the clerk of the
 8 district court if an adjudication of guilt or a
 9 deferred judgment has been entered for a criminal
 10 violation of section 708.2A.”
 11 3. Title page, line 1, by inserting after the word
 12 “procedure” the following: “, and providing for a
 13 fee”.

ROBERT E. DVORSKY

S-5113

1 Amend the amendment, S-5104, to Senate File 2257 as
 2 follows:
 3 1. Page 2, line 24, by inserting after the word
 4 “status,” the following: “race,”.

STEVE WARNSTADT
 STEVE KETTERING

S-5114

1 Amend Senate File 2275 as follows:
 2 1. Page 1, by inserting before line 1 the
 3 following:
 4 “Section 1. Section 602.8102, Code Supplement
 5 2003, is amended by adding the following new
 6 subsection:
 7 NEW SUBSECTION. 135C. Assess the domestic or
 8 sexual abuse surcharge of fifty dollars as provided by
 9 section 911.4.
 10 Sec. ____ Section 602.8107, subsection 4,
 11 unnumbered paragraph 2, Code Supplement 2003, is
 12 amended to read as follows:
 13 This subsection does not apply to amounts collected
 14 for victim restitution, the victim compensation fund,
 15 criminal penalty surcharge, law enforcement initiative
 16 surcharge, domestic or sexual abuse surcharge, amounts
 17 collected as a result of procedures initiated under
 18 subsection 5 or under section 8A.504, or sheriff’s
 19 room and board fees.
 20 Sec. ____ Section 602.8108, Code Supplement 2003,
 21 is amended by adding the following new subsection:
 22 NEW SECTION. 4A. Notwithstanding provisions of

23 this section to the contrary, all moneys collected
 24 from the domestic or sexual abuse surcharge provided
 25 in section 911.4 shall be deposited in the crime
 26 victim compensation fund established in section
 27 915.94.”

28 2. Page 1, by inserting after line 27 the
 29 following:

30 “Sec. ____ Section 902.9, unnumbered paragraph 2,
 31 Code 2003, is amended to read as follows:

32 The ~~criminal penalty surcharge~~ surcharges required
 33 by sections 911.2, ~~and~~ 911.3, ~~and~~ 911.4 shall be added
 34 to a fine imposed on a class “C” or class “D” felon,
 35 as provided by those sections, and is not a part of or
 36 subject to the maximums set in this section.

37 Sec. ____ Section 903.1, subsection 4, Code 2003,
 38 is amended to read as follows:

39 4. The ~~criminal penalty surcharge~~ surcharges
 40 required by sections 911.2, ~~and~~ 911.3, ~~and~~ 911.4 shall
 41 be added to a fine imposed on a misdemeanor, and ~~is~~
 42 are not a part of or subject to the maximums set in
 43 this section.

44 Sec. ____ Section 909.8, Code 2003, is amended to
 45 read as follows:

46 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
 47 SURCHARGE.

48 The provisions of this chapter governing the
 49 payment and collection of a fine, except section
 50 909.3A, also apply to the payment and collection of

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1 surcharges imposed pursuant to chapter 911. However,
 2 section 909.10 shall not apply to surcharges assessed
 3 under ~~section~~ sections 911.3 and 911.4.

4 Sec. ____ NEW SECTION. 911.4 DOMESTIC OR SEXUAL
 5 ABUSE SURCHARGE.

6 In addition to any of the other surcharges assessed
 7 under this chapter, a domestic or sexual abuse
 8 surcharge of fifty dollars shall be assessed by the
 9 clerk of the district court if an adjudication of
 10 guilt or a deferred judgment has been entered for a
 11 criminal violation of section 708.2A, 709.2, 709.3, or
 12 709.4.”

13 3. Title page, line 1, by inserting after the
 14 word “procedure” the following: “, and providing for
 15 a fee”.

ROBERT E. DVORSKY

S-5115

1 Amend Senate File 2275 as follows:
2 1. Page 1, by inserting after line 27 the
3 following:
4 "Sec. ____ . CONTROLLED SUBSTANCE PENALTY STUDY.
5 The Iowa state bar association is requested to
6 establish and lead a study committee to review the
7 disparity of criminal penalties related to crack
8 cocaine, cocaine, and other controlled substances,
9 especially such criminal penalties classified as
10 serious and aggravated misdemeanors and class "C" and
11 "D" felonies. The members of the study committee
12 shall include but are not limited to representatives
13 of the Iowa state bar association, the attorney
14 general, the county attorneys association, the state
15 public defender, the department of corrections, the
16 judicial district department of correctional services,
17 and the criminal law section of the Iowa trial lawyers
18 association. The study committee is requested to file
19 recommendations with the general assembly by December
20 15, 2004."

DONALD B. REDFERN

S-5116

1 Amend Senate File 2264 as follows:
2 1. Page 1, line 7, by striking the word
3 "department" and inserting the following: "city
4 council board of supervisors".

LARRY McKIBBEN

S-5117

1 Amend Senate File 2153 as follows:
2 1. Page 1, line 14, by inserting after the word
3 "emergency." the following: "Any expenses payable by
4 the state pursuant to such a governor's executive
5 order shall be paid out of any moneys in the state
6 treasury not otherwise appropriated."

WILLIAM A. DOTZLER, JR.

S-5118

1 Amend Senate File 2273 as follows:
2 1. Page 1, by inserting after line 7, the
3 following:
4 "Court costs occasioned by an appeal of an award of
5 damages in a condemnation proceeding brought under the

6 authority of section 479.24 or 479B.16, or under
 7 chapter 479A, shall be paid by the applicant for
 8 condemnation if the amount of damages ascertained by
 9 the court exceeds one hundred ten percent of the final
 10 offer of the condemner prior to condemnation.”
 11 2. Title page, line 1, by striking the words
 12 “disposition of”.
 13 3. Title page, line 2, by inserting after the
 14 word “proceeding” the following: “concerning court
 15 costs and”.

KITTY REHBERG

S-5119

1 Amend Senate Concurrent Resolution 109 as follows:
 2 1. Page 1, line 25, by striking the word “Judy”
 3 and inserting the following: “Judie”.

JOHN PUTNEY

S-5120

1 Amend Senate Resolution 123 as follows:
 2 1. By striking page 1, line 4 through page 3,
 3 line 1 and inserting the following:
 4 “A Resolution requesting the Legislative Council to
 5 create a new century learning technology commission
 6 to examine options for integrating technology into
 7 the classroom to prepare students for an economy
 8 that is increasingly dependent on technology and
 9 innovation.
 10 WHEREAS, the Senate finds that technology has a key
 11 role in revolutionizing the state’s education system,
 12 and the integration of technology into the school
 13 curriculum can motivate and assist students to achieve
 14 at high levels and prepare them to become the
 15 knowledge workers of the 21st Century workforce by
 16 providing them with the skills necessary to compete in
 17 the global market; and
 18 WHEREAS, many Iowa schools are implementing
 19 technology projects and updating technology in their
 20 classrooms, including projects involving distance
 21 learning, virtual learning, and laptop computers in
 22 the classroom; and
 23 WHEREAS, technology offers this state a significant
 24 opportunity to improve the performance of its schools
 25 and to promote a wide range of high-quality
 26 educational options utilizing technology for children
 27 enrolled in the schools of this state; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Legislative
 29 Council is requested to create a new century learning

30 technology commission, to be charged with developing a
31 new century learning technology plan to achieve the
32 goal of preparing students for an economy that is
33 increasingly dependent on technology and innovation.
34 The commission shall examine the use of technology in
35 Iowa's and the nation's elementary and secondary
36 classrooms; and
37 BE IT FURTHER RESOLVED, That the plan developed by
38 the commission shall include, but not be limited to,
39 the following:
40 1. The costs and benefits of each component of the
41 plan.
42 2. The professional development needed to
43 integrate learning technology into classroom
44 technology.
45 3. Strategies for implementation of the plan,
46 including, at a minimum, phasing in the plan over a
47 term of years.
48 4. Strategies that coordinate the learning
49 technology in kindergarten through grade twelve with
50 the initiatives and resources of the department of

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1 education, Iowa communications network, area education
2 agencies, higher education institutions providing
3 approved practitioner preparation programs, and other
4 accredited postsecondary institutions in the state.
5 5. Procedures for data tracking and assessment of
6 the progress in implementing the goals of the
7 initiative and the plan.
8 6. Strategies to establish a public-private
9 partnership between state government and a private
10 business with a proven record of success in
11 undertakings of similar focus and size; and
12 BE IT FURTHER RESOLVED, That the plan shall be
13 consistent with the following guiding principles:
14 1. EQUITY. The plan shall promote equal
15 opportunity for and provide meaningful access to
16 wireless learning technology resources for all Iowa
17 students regardless of geographic location or economic
18 means.
19 2. INTEGRATION WITH THE STUDENT ACHIEVEMENT AND
20 TEACHER QUALITY PROGRAM ESTABLISHED IN CHAPTER 284.
21 The plan shall support student achievement through the
22 integration of learning technologies that are content-
23 focused and that add value to existing instructional
24 methods.
25 3. SUSTAINABILITY AND AVOIDANCE OF OBSOLESCENCE.
26 The plan shall provide for the future sustainability
27 of learning technology resources by adapting to future
28 educational needs and technological changes and by

29 avoiding obsolescence of learning technology
 30 resources.

31 4. TEACHER PREPARATION AND PROFESSIONAL
 32 DEVELOPMENT. The plan shall provide professional
 33 development and training programs for teachers and
 34 other educators in the use and integration of learning
 35 technology tools in curriculum development,
 36 instructional methods, and student assessment systems.

37 5. ECONOMIC DEVELOPMENT. The plan shall foster
 38 economic development across all regions of the state
 39 and the preparation of students for an economy that
 40 embraces technology and innovation; and

41 BE IT FURTHER RESOLVED, That the commission shall
 42 be appointed no later than July 1, 2004.

43 1. The commission membership shall consist of the
 44 following:

45 a. Seven voting members from the general public
 46 who shall be appointed by the Legislative Council.

47 b. One nonvoting, ex officio member who is a
 48 member of the state board of education and is
 49 appointed by the chairperson of the state board of
 50 education.

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1 c. One nonvoting, ex officio member who is the
 2 state librarian or the state librarian's designee.

3 d. One nonvoting, ex officio member representing
 4 public postsecondary education institutions who is
 5 employed by a public postsecondary institution and is
 6 appointed by the Legislative Council.

7 e. Three nonvoting, ex officio members
 8 representing three different school districts and who
 9 are appointed by the Legislative Council as follows:

10 (1) From a list of three names submitted by a
 11 certified employee organization representing teachers
 12 licensed under chapter 272, a teacher employed by a
 13 school district or area education agency.

14 (2) From a list of three names submitted by a
 15 statewide organization representing administrators
 16 licensed under chapter 272, an administrator employed
 17 by a school district.

18 (3) From a list of three names submitted by a
 19 statewide organization representing school boards, a
 20 member of a board of directors of a school district.

21 f. One nonvoting, ex officio member who is a
 22 member of the Senate and is appointed by the President
 23 of the Senate.

24 g. One nonvoting, ex officio member who is a
 25 member of the House of Representatives and is
 26 appointed by the Speaker of the House of
 27 Representatives.

28 2. Commission members shall be appointed in
29 compliance with sections 69.16 and 69.16A.
30 Appointments of public members shall be made to
31 provide broad representation of the various
32 geographical areas of the state insofar as possible.
33 3. In appointing members to the commission, proper
34 consideration shall be given to persons with
35 experience or special knowledge in one or more of the
36 following areas: education, business, economic
37 development, technology, and finance.
38 4. The commission shall elect a chairperson and a
39 vice-chairperson from among the voting members of the
40 commission; and
41 BE IT FURTHER RESOLVED, That the commission shall
42 submit its findings, recommendations, and its new
43 century learning technology plan in a report to the
44 General Assembly by December 15, 2004.”

JERRY BEHN

S-5121

1 Amend House File 2460, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 4 through 9 and
4 inserting the following: “any other provision to the
5 contrary, prior to enrolling an individual who is
6 required to register as a sex offender under chapter
7 692A, but who is otherwise eligible to enroll in a
8 public school, the board of directors of a school
9 district shall determine the educational placement of
10 the individual. The tentative agenda for the meeting
11 of the board of directors at which the board will
12 consider such enrollment, issued in accordance with
13 section 21.4, shall specifically state that the board
14 is considering the enrollment of an individual who is
15 required to register as a sex offender under chapter
16 692A. If the individual is denied enrollment in”.

COMMITTEE ON EDUCATION
NANCY J. BOETTGER, Chair

S-5122

1 Amend Senate Joint Resolution 2002, as follows:
2 1. Page 1, by striking lines 5 and 6 and
3 inserting the following:
4 “MARRIAGE. SEC. 26. Marriage or its legal
5 equivalent in this State shall consist only of the
6 legal union of one man and one woman. In this State,
7 a marriage or its legal equivalent which is contrary

8 to this section shall not be valid or recognized and
9 shall be void from its creation.”

KEN VEENSTRA

S-5123

1 Amend Senate File 2209 as follows:
2 1. Page 1, by inserting after line 12, the
3 following:
4 “2A. The person administering an early childhood
5 immunization shall provide the parent or legal
6 guardian of the child with information about the
7 amount of mercury or other preservatives containing
8 heavy metals contained in the immunization.”
9 2. Page 1, by striking lines 14 and 15, and
10 inserting the following: “early childhood
11 immunizations for influenza or in times of emergency
12 or epidemic as”.
13 3. By renumbering as necessary.

KEN VEENSTRA

S-5124

1 Amend House File 2393, as passed by the House, as
2 follows:
3 1. Page 1, line 13, by striking the word
4 “identified” and inserting the following: “built
5 according to applicable building standards and
6 operated”.

COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT
HUBERT HOUSER, Chair

S-5125

1 Amend Senate File 2259 as follows:
2 1. Page 1, by striking lines 7 through 9 and
3 inserting the following: “initiatives.”

KEN VEENSTRA

S-5126

1 Amend Senate File 2255 as follows:
2 1. Page 1, by striking lines 18 through 20 and
3 inserting the following: “learning curriculum that
4 may be integrated into the social studies requirements
5 for Iowa’s secondary students at the discretion of

- 6 each board of directors of a school district or the
7 authorities in charge of each accredited nonpublic
8 school. The curriculum shall include”.
- 9 2. Page 2, by inserting after line 24 the
10 following:
11 “(5) The director of the department of cultural
12 affairs, or the director’s designee.
13 (6) The state librarian, or the state librarian’s
14 designee.”
- 15 3. Page 2, line 29, by inserting after the word
16 “education” the following: “, in cooperation with the
17 Iowa studies committee,”.
- 18 4. Page 3, by inserting after line 8 the
19 following:
20 “5. This section is repealed effective July 1,
21 2008.”
- 22 5. By renumbering as necessary.

NANCY J. BOETTGER

S-5127

- 1 Amend Senate File 2279 as follows:
2 1. Page 1, by inserting before line 1, the
3 following:
4 “Section 1. 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 subsequent general election.”
- 23 2. Title page, line 1, by inserting after the
24 word “to” the following: “absentee voting by allowing
25 ongoing absentee voter status and by modifying”.
- 26 3. By renumbering as necessary.

JOE BOLKCOM

S-5128

1 Amend House File 2200, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. Section 100.1, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 7. To administer the fire
8 extinguishing system contractor certification program
9 established in chapter 100C.

10 Sec. ____ NEW SECTION. 100C.1 DEFINITIONS.
11 As used in this chapter, unless the context
12 otherwise requires:

13 1. “Automatic dry-chemical extinguishing system”
14 means a system supplying a powder composed of small
15 particles, usually of sodium bicarbonate, potassium
16 bicarbonate, urea-potassium-based bicarbonate,
17 potassium chloride, or monoammonium phosphate, with
18 added particulate material supplemented by special
19 treatment to provide resistance to packing, resistance
20 to moisture absorption, and the proper flow
21 capabilities.

22 2. “Automatic fire extinguishing system” means a
23 system of devices and equipment that automatically
24 detects a fire and discharges an approved fire
25 extinguishing agent onto or in the area of a fire and
26 includes automatic sprinkler systems, carbon dioxide
27 extinguishing systems, deluge systems, automatic dry-
28 chemical extinguishing systems, foam extinguishing
29 systems, halogenated extinguishing systems, or other
30 equivalent fire extinguishing technologies recognized
31 by the fire extinguishing system contractors advisory
32 board.

33 3. “Automatic sprinkler system” means an
34 integrated fire protection sprinkler system usually
35 activated by heat from a fire designed in accordance
36 with fire protection engineering standards and
37 includes a suitable water supply. The portion of the
38 system above the ground is a network of specially
39 sized or hydraulically designed piping installed in a
40 structure or area, generally overhead, and to which
41 automatic sprinklers are connected in a systematic
42 pattern.

43 4. “Carbon dioxide extinguishing system” means a
44 system supplying carbon dioxide from a pressurized
45 vessel through fixed pipes and nozzles and includes a
46 manual or automatic actuating mechanism.

47 5. “Deluge system” means a sprinkler system
48 employing open sprinklers attached to a piping system
49 connected to a water supply through a valve that is
50 opened by the operation of a detection system

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1 installed in the same area as the sprinklers.

2 6. "Fire extinguishing system contractor" means a
3 person engaging in or representing oneself to the
4 public as engaging in the activity or business of
5 layout, installation, repair, alteration, addition,
6 maintenance, or maintenance inspection of automatic
7 fire extinguishing systems in this state.

8 7. "Foam extinguishing system" means a special
9 system discharging foam made from concentrates, either
10 mechanically or chemically, over the area to be
11 protected.

12 8. "Halogenated extinguishing system" means a fire
13 extinguishing system using one or more atoms of an
14 element from the halogen chemical series of fluorine,
15 chlorine, bromine, and iodine.

16 9. "Maintenance inspection" means periodic
17 inspection and certification completed by a fire
18 extinguishing system contractor. For purposes of this
19 chapter, "maintenance inspection" does not include an
20 inspection completed by a local building official,
21 fire inspector, or insurance inspector, when acting in
22 an official capacity.

23 10. "Responsible managing employee" means an
24 owner, partner, officer, or manager employed full-time
25 by a fire extinguishing system contractor who has any
26 of the following qualifications:

27 a. Is certified by the national institute for
28 certification in engineering technologies at a level
29 III in fire protection technology, automatic sprinkler
30 system layout, or another recognized certification in
31 automatic sprinkler system layout recognized by rules
32 adopted by the fire marshal pursuant to section
33 100C.7.

34 b. Is a professional engineer registered in this
35 state having at least three years experience with
36 automatic fire extinguishing systems.

37 c. Meets any other criteria established by rule
38 under this chapter.

39 Sec. __. NEW SECTION. 100C.2 CERTIFICATION —
40 EMPLOYEES.

41 1. A person shall not act as a fire extinguishing
42 system contractor without first obtaining a fire
43 extinguishing system contractor's certificate pursuant
44 to this chapter.

45 2. A responsible managing employee may act as a
46 responsible managing employee for only one fire
47 extinguishing system contractor at a time. The
48 responsible managing employee shall not be designated
49 as the responsible managing employee for more than two
50 fire extinguishing system contractors in any twelve-

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1 month period.

2 3. An employee of a certified fire extinguishing
3 system contractor working under the direction of a
4 responsible managing employee is not required to
5 obtain and maintain an individual fire extinguishing
6 system contractor's certificate.

7 Sec. ____ NEW SECTION. 100C.3 APPLICATION —
8 INFORMATION TO BE PROVIDED.

9 1. A fire extinguishing system contractor shall
10 apply for a certificate on a form prescribed by the
11 state fire marshal. The application shall be
12 accompanied by a fee in an amount prescribed by rule
13 pursuant to section 100C.7 and shall include all of
14 the following information:

15 a. The name, address, and telephone number of the
16 contractor, including all legal and fictitious names.

17 b. Proof of insurance coverage required by section
18 100C.4.

19 c. The name and qualifications of the person
20 designated as the contractor's responsible managing
21 employee and of persons designated as alternate
22 responsible managing employees.

23 d. Any other information deemed necessary by the
24 state fire marshal.

25 2. Upon receipt of a completed application and
26 prescribed fees, if the contractor meets all
27 requirements established by this chapter, the state
28 fire marshal shall issue a certificate to the fire
29 extinguishing system contractor within thirty days.

30 3. Certificates shall expire and be renewed as
31 established by rule pursuant to section 100C.7.

32 4. Any change in the information provided in the
33 application shall be promptly reported to the state
34 fire marshal. When the employment of a responsible
35 managing employee is terminated, the fire
36 extinguishing system contractor shall notify the state
37 fire marshal within thirty days after termination.

38 Sec. ____ NEW SECTION. 100C.4 INSURANCE.

39 A fire extinguishing system contractor shall
40 maintain general and complete operations liability
41 insurance for the layout, installation, repair,
42 alteration, addition, maintenance, and inspection of
43 automatic fire extinguishing systems in an amount
44 determined by the state fire marshal by rule.

45 Sec. ____ NEW SECTION. 100C.5 SUSPENSION AND
46 REVOCATION.

47 1. The state fire marshal shall suspend or revoke
48 the certificate of any fire extinguishing system
49 contractor who fails to maintain compliance with the
50 conditions necessary to obtain a certificate. A

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1 certificate may also be suspended or revoked if any of
2 the following occur:

3 a. The employment or relationship of a responsible
4 managing employee with a fire extinguishing system
5 contractor is terminated, unless the fire
6 extinguishing system contractor has included a
7 qualified alternate on the application or an
8 application designating a new responsible managing
9 employee is filed with the state fire marshal within
10 six months after the termination.

11 b. The contractor fails to comply with any
12 provision of this chapter.

13 c. The contractor fails to comply with any other
14 applicable codes and ordinances.

15 2. If a certificate is suspended pursuant to this
16 section, the certificate shall not be reinstated until
17 the condition or conditions which led to the
18 suspension have been corrected.

19 3. The state fire marshal shall adopt rules
20 pursuant to section 100C.7 for the acceptance and
21 processing of complaints against certificate holders,
22 for procedures to suspend and revoke certificates, and
23 for appeals of decisions to suspend or revoke
24 certificates.

25 Sec. __. NEW SECTION. 100C.6 APPLICABILITY.

26 This chapter shall not be construed to do any of
27 the following:

28 1. Relieve any person from payment of any local
29 permit or building fee.

30 2. Limit the power of the state or a political
31 subdivision of the state to regulate the quality and
32 character of work performed by fire extinguishing
33 system contractors through a system of fees, permits,
34 and inspections designed to ensure compliance with,
35 and aid in the administration of, state and local
36 building codes or to enforce other local laws for the
37 protection of the public health and safety.

38 Sec. __. NEW SECTION. 100C.7 ADMINISTRATION —
39 RULES.

40 The state fire marshal shall administer this
41 chapter and, after consultation with the fire
42 extinguishing system contractors advisory board, shall
43 adopt rules pursuant to chapter 17A necessary for the
44 administration and enforcement of this chapter.

45 Sec. __. NEW SECTION. 100C.8 PENALTIES.

46 1. A person who violates any provision of this
47 chapter is guilty of a simple misdemeanor.

48 2. The state fire marshal may impose a civil
49 penalty of up to five hundred dollars on any person
50 who violates any provision of this chapter for each

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1 day a violation continues. The state fire marshal may
2 adopt rules necessary to enforce and collect any
3 penalties imposed pursuant to this chapter.

4 Sec. ____ NEW SECTION. 100C.9 DEPOSIT AND USE OF
5 MONEYS COLLECTED.

6 1. All fees assessed pursuant to this chapter
7 shall be retained as repayment receipts by the
8 division of fire protection in the department of
9 public safety and such fees received shall be used
10 exclusively to offset the costs of administering this
11 chapter.

12 2. Notwithstanding section 8.33, fees collected by
13 the division of fire protection that remain
14 unencumbered or unobligated at the close of the fiscal
15 year shall not revert but shall remain available for
16 expenditure for the purposes designated until the
17 close of the succeeding fiscal year.

18 Sec. ____ NEW SECTION. 100C.10 FIRE
19 EXTINGUISHING SYSTEM CONTRACTORS ADVISORY BOARD.

20 1. A fire extinguishing system contractors
21 advisory board is established in the division of fire
22 protection of the department of public safety and
23 shall advise the state fire marshal on matters
24 pertaining to the application and certification of
25 fire extinguishing system contractors pursuant to this
26 chapter.

27 2. The board shall consist of seven voting members
28 appointed by the commissioner of public safety as
29 follows:

30 a. Two full-time fire officials of incorporated
31 municipalities or counties.

32 b. One full-time building official of an
33 incorporated municipality or county.

34 c. Two fire extinguishing system contractors,
35 certified pursuant to this chapter, of which at least
36 one shall be a water-based fire sprinkler contractor.

37 d. One professional engineer or architect licensed
38 in the state.

39 e. One representative of the general public.

40 3. The state fire marshal, or the state fire
41 marshal's designee, shall be a nonvoting ex officio
42 member of the board.

43 4. The commissioner shall initially appoint two
44 members for two-year terms, two members for four-year
45 terms, and three members for six-year terms.

46 Following the expiration of the terms of initially
47 appointed members, each term thereafter shall be for a
48 period of six years. No member shall serve more than
49 two consecutive terms.

50 5. Each voting member of the council shall receive

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- 1 per diem compensation at the rate specified in section
2 7E.6 for each day spent in the performance of the
3 member's duties. All members of the council shall
4 receive actual and necessary expenses incurred in the
5 performance of their duties.
- 6 6. Four voting members of the advisory board shall
7 constitute a quorum. A majority vote of the board
8 shall be required to conduct business.”
- 9 2. Title page, line 1, by inserting after the
10 word “including” the following: “the establishment of
11 a fire extinguishing system contractor certification
12 program in the office of the state fire marshal.”
- 13 3. Title page, line 2, by striking the word
14 “marshal” and inserting the following: “marshal.”
- 15 4. Title page, by striking line 4 and inserting
16 the following: “providing for fees and penalties.”
- 17 5. By renumbering as necessary.

COMMITTEE ON JUDICIARY
DONALD B. REDFERN, Chair

S-5129

- 1 Amend Senate File 2254 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 707.11A APPLICATION.
5 1. For the purposes of sections 707.1, 707.2,
6 707.3, 707.4, and 707.11, as it pertains to the victim
7 of a crime, “person” includes a member of the species
8 homo sapiens, at any stage of development when carried
9 in the womb or after birth.
- 10 2. Sections 707.1, 707.2, 707.3, 707.4, and 707.11
11 shall not apply to a legal abortion to which the
12 pregnant woman or a person legally authorized to act
13 on the pregnant woman's behalf consented, or for which
14 consent is implied by law.”
- 15 2. Title page, lines 1 and 2, by striking the
16 words “an unborn child, providing for a repeal, and
17 providing penalties” and inserting the following:
18 “members of the species homo sapiens at any stage of
19 development”.

NANCY J. BOETTGER

S-5130

- 1 Amend Senate File 2026 as follows:
- 2 1. Page 1, line 4, by inserting after the word
3 ““b,”” the following: “a partial exemption on”.

- 4 2. Page 1, line 10, by inserting after the word
5 "The" the following: "partial".
- 6 3. Page 1, line 22, by striking the words and
7 figures "through December 31, 2005,".
- 8 4. Page 1, lines 24 and 25, by striking the words
9 and figures "through December 31, 2005,".
- 10 5. Page 1, by striking lines 26 through 32.
- 11 6. Page 1, line 33, by inserting after the word
12 "The" the following: "partial".
- 13 7. Page 1, by inserting after line 35 the
14 following:
15 "Sec. ____ Section 423.43, subsection 3, as
16 enacted by 2003 Iowa Acts, First Extraordinary
17 Session, chapter 2, section 136, is amended to read as
18 follows:
19 3. a. The revenue arising on or after January 1,
20 2005, from the sales or use tax imposed on utilities
21 of residential customers as provided in section 423.3,
22 subsection 84, shall be deposited into the alternative
23 energy incentive fund created in section 476.49.
24 b. All other revenue arising under the operation
25 of this chapter shall be credited to the general fund
26 of the state.
27 Sec. ____ **NEW SECTION. 476.49 ALTERNATIVE ENERGY**
28 **INCENTIVE FUND — INCENTIVE PROGRAM DEVELOPMENT.**
29 1. An alternative energy incentive fund is
30 established in the state treasury. The fund is
31 separate from the general fund of the state. Moneys
32 in the alternative energy incentive fund are not
33 subject to section 8.33 and shall not revert to any
34 other fund. Notwithstanding section 12C.7, subsection
35 2, interest or earnings on moneys deposited in the
36 fund shall be credited to the fund.
37 2. Moneys in the alternative energy incentive fund
38 shall be used to finance the providing of state
39 incentives for the development and encouragement of
40 small independent energy providers. A proposed
41 alternative energy incentive program shall be
42 developed through the cooperation of the utility
43 industry, independent producers, and a legislative-
44 appointed committee. The proposed alternative energy
45 incentive program shall be presented to the general
46 assembly no later than January 15, 2005. The general
47 assembly shall implement an incentive program by July
48 1, 2005."
- 49 8. Title page, line 1, by striking the word
50 "phaseout" and inserting the following: "reduction".

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- 1 9. Title page, line 3, by inserting after the
2 word "customers" the following: "and the setting

3 aside of sales and use tax revenues for an alternative
4 energy incentive program”.

DAVID MILLER

S-5131

1 Amend Senate File 2260 as follows:

2 1. Page 1, by inserting before line 1 the
3 following:

4 “Section 1. Section 602.8102, Code Supplement
5 2003, is amended by adding the following new
6 subsection:

7 NEW SUBSECTION. 135C. Assess the domestic or
8 sexual abuse surcharge of fifty dollars as provided by
9 section 911.4.

10 Sec. ____ Section 602.8107, subsection 4,
11 unnumbered paragraph 2, Code Supplement 2003, is
12 amended to read as follows:

13 This subsection does not apply to amounts collected
14 for victim restitution, the victim compensation fund,
15 criminal penalty surcharge, law enforcement initiative
16 surcharge, domestic or sexual abuse surcharge, amounts
17 collected as a result of procedures initiated under
18 subsection 5 or under section 8A.504, or sheriff’s
19 room and board fees.

20 Sec. ____ Section 602.8108, Code Supplement 2003,
21 is amended by adding the following new subsection:
22 NEW SECTION. 4A. Notwithstanding provisions of
23 this section to the contrary, all moneys collected
24 from the domestic or sexual abuse surcharge provided
25 in section 911.4 shall be deposited in the crime
26 victim compensation fund established in section
27 915.94.”

28 2. Page 1, by inserting after line 16 the
29 following:

30 “Sec. ____ Section 902.9, unnumbered paragraph 2,
31 Code 2003, is amended to read as follows:

32 The ~~criminal penalty surcharge surcharges~~ required
33 by sections 911.2, ~~and 911.3, and 911.4~~ shall be added
34 to a fine imposed on a class “C” or class “D” felon,
35 as provided by those sections, and is not a part of or
36 subject to the maximums set in this section.

37 Sec. ____ Section 903.1, subsection 4, Code 2003,
38 is amended to read as follows:

39 4. The ~~criminal penalty surcharge surcharges~~
40 required by sections 911.2, ~~and 911.3, and 911.4~~ shall
41 be added to a fine imposed on a misdemeanor, and ~~is~~
42 are not a part of or subject to the maximums set in
43 this section.

44 Sec. ____ Section 909.8, Code 2003, is amended to
45 read as follows:

46 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
47 SURCHARGE.

48 The provisions of this chapter governing the
49 payment and collection of a fine, except section
50 909.3A, also apply to the payment and collection of

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1 surcharges imposed pursuant to chapter 911. However,
2 section 909.10 shall not apply to surcharges assessed
3 under ~~section sections~~ 911.3 and 911.4.
4 Sec. ____ NEW SECTION. 911.4 DOMESTIC OR SEXUAL
5 ABUSE SURCHARGE.
6 In addition to any of the other surcharges assessed
7 under this chapter, a domestic or sexual abuse
8 surcharge of fifty dollars shall be assessed by the
9 clerk of the district court if an adjudication of
10 guilt or a deferred judgment has been entered for a
11 criminal violation of section 708.2A, 709.2, 709.3, or
12 709.4.”
13 3. Title page, line 1, by inserting after the
14 word “case” the following: “, and providing for a fee
15 in domestic or sexual abuse cases”.

ROBERT E. DVORSKY

S-5132

1 Amend Senate File 2269 as follows:
2 1. Page 3, by inserting after line 8, the
3 following:
4 “Sec. ____ Section 48A.6, subsection 1, Code 2003,
5 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 18, by inserting after line 4, the
13 following:
14 “Sec. ____ Section 602.8102, Code Supplement 2003,
15 is amended by adding the following new subsection:
16 NEW SUBSECTION. 16. Notify a person that the
17 person has made full restitution, including the
18 community service requirement, and that if the person
19 has been discharged from probation, parole, or work
20 release or has been released from confinement because
21 the term of confinement is completed, the person may
22 apply to register to vote.
23 Sec. ____ Section 910.9, Code Supplement 2003, is
24 amended by adding the following new unnumbered

25 paragraph:

26 NEW UNNUMBERED PARAGRAPH. The clerk of the
27 sentencing court shall notify the offender that full
28 restitution, including the community service
29 requirement, has been made, and that if the offender
30 has been discharged from probation, parole, or work
31 release or has been released from confinement because
32 the term of confinement is completed, the offender may
33 apply to register to vote.

34 Sec. ____ Section 914.2, Code 2003, is amended to
35 read as follows:

36 914.2 RIGHT OF APPLICATION.

37 Except as otherwise provided in section 902.2 or
38 914.8, a person convicted of a criminal offense has
39 the right to make application to the board of parole
40 for recommendation or to the governor for a reprieve,
41 pardon, commutation of sentence, remission of fines or
42 forfeitures, or restoration of rights of citizenship
43 at any time following the conviction.

44 Sec. ____ Section 914.6, subsection 3, Code 2003,
45 is amended to read as follows:

46 3. In the case of a remission of fines and
47 forfeitures, restoration of rights of citizenship
48 other than the right to register to vote and to vote,
49 or a pardon, commutation of sentence, or reprieve, if
50 the person is not in custody, one copy of the

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1 executive instrument shall be delivered to the person
2 and one copy to the clerk of the district court where
3 the judgment is of record. ~~A list of the restorations
4 of rights of citizenship issued by the governor shall
5 be delivered to the state registrar of voters at least
6 once each month.~~

7 Sec. ____ NEW SECTION. 914.8 RESTORATION OF
8 RIGHT TO REGISTER AND TO VOTE.

9 1. A person convicted of a felony criminal offense
10 who has been discharged from probation under section
11 907.9, discharged from parole or work release under
12 section 906.15, or who is released from confinement
13 under section 902.6 because the person has completed
14 the person's term of confinement, and who has made
15 full restitution, including fulfilling the community
16 service requirement, shall have the right to register
17 to vote and to vote restored in the manner provided in
18 this section.

19 2. Upon discharge from confinement or supervision,
20 the department of corrections or judicial district
21 department of correctional services, whichever is
22 applicable, shall provide written notice to the
23 inmate, parolee, or probationer of the person's

24 discharge which shall include a voter registration
 25 form and a statement that the person's right to
 26 register to vote and to vote will be restored upon
 27 making full restitution, including fulfilling the
 28 community service requirement, and that the clerk of
 29 court will notify the person when full restitution has
 30 been made. The notice shall also inform the person
 31 that when first registering to vote after discharge,
 32 the person must present to the commissioner of
 33 registration the discharge notice and the notice that
 34 full restitution has been made.

35 3. A person convicted of a class "A" felony whose
 36 sentence has been commuted by the governor shall not
 37 be allowed to register to vote."

38 3. Title page, line 2, by inserting after the
 39 word "law," the following: "restoration of the right
 40 to vote for certain persons,".

41 4. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5133

1 Amend Senate File 2233 as follows:

2 1. Page 1, by striking lines 14 through 23 and
 3 inserting the following: "services, or upon the
 4 court's own motion. As an option for modification of
 5 a plan, the court may allow a defendant to complete
 6 ~~some part or all~~ of the defendant's community service
 7 obligation through the donation of property to a
 8 nonprofit charitable organization other than a
 9 governmental subdivision which provides treatment to
 10 substance abusers. The judicial district department
 11 of correctional services with the concurrence of the
 12 chief judge of the judicial district shall designate
 13 which nonprofit charitable organizations are eligible
 14 to receive such a donation. Any donation received
 15 pursuant to this subsection shall be distributed
 16 equally to the nonprofit charitable organizations
 17 eligible to receive a donation within the judicial
 18 district. A donation of property to a charitable
 19 organization offered in satisfaction of ~~some part or~~
 20 ~~all~~ of a community service obligation under this
 21 subsection is not a deductible contribution for the
 22 purposes of federal or state income taxes."

23 2. Title page, line 1, by striking the word
 24 "eliminating" and inserting the following:
 25 "modifying".

MATT W. McCOY

S-5134

- 1 Amend Senate Joint Resolution 2002 as follows:
- 2 1. Page 1, line 6, by inserting after the word
- 3 "Iowa." the following:
- 4 "Nothing in this Constitution shall preclude or
- 5 require the extension of benefits to unmarried
- 6 persons."

KEITH A. KREIMAN

S-5135

- 1 Amend Senate Joint Resolution 2002 as follows:
- 2 1. Page 1, by striking lines 3 through 6, and
- 3 inserting the following:
- 4 "Article I of the Constitution of the State of Iowa
- 5 is amended by adding the following new section:
- 6 MARRIAGE. SEC. 26. The rights of a person to
- 7 marry, to continue the marital relationship, and to
- 8 enjoy the benefits of marriage shall not be abridged."

KEITH A. KREIMAN

S-5136

- 1 Amend Senate File 2256 as follows:
- 2 1. Page 1, line 11, by inserting after the word
- 3 "death." the following: "The commissioner of
- 4 insurance shall adopt by rule the minimum amount
- 5 required for issuance of a refund."
- 6 2. By renumbering as necessary.

BOB BRUNKHORST

S-5137

- 1 Amend Senate File 2269 as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:
- 4 "Section 1. Section 47.1, Code Supplement 2003, is
- 5 amended by adding the following new unnumbered
- 6 paragraph:
- 7 NEW UNNUMBERED PARAGRAPH. The state commissioner
- 8 shall adopt rules pursuant to chapter 17A, for the
- 9 implementation of uniform and nondiscriminatory
- 10 administrative complaint procedures for resolution of
- 11 grievances relating to violations of Title III of Pub.
- 12 L. No. 107-252. In complaint proceedings in which all
- 13 of the respondents are local election officials, the
- 14 presiding officer shall be the state commissioner of

15 elections. In complaint proceedings in which one of
16 the respondents is the state commissioner of
17 elections, the presiding officer shall be a panel
18 consisting of all members of the state voter
19 registration commission appointed pursuant to section
20 47.8, except the state commissioner of elections or
21 the state commissioner's designee.

22 Sec. 2. Section 47.7, subsections 2, 3, and 4,
23 Code Supplement 2003, are amended by striking the
24 subsections and inserting in lieu thereof the
25 following:

26 2. a. On or before January 1, 2006, the state
27 registrar of voters shall implement in a uniform and
28 nondiscriminatory manner, a single, uniform, official,
29 centralized, interactive computerized statewide voter
30 registration file defined, maintained, and
31 administered at the state level that contains the name
32 and registration information of every legally
33 registered voter in the state and assigns a unique
34 identifier to each legally registered voter in the
35 state. The state voter registration system shall be
36 coordinated with other agency databases within the
37 state, including, but not limited to, the department
38 of transportation driver's license records, judicial
39 records of convicted felons and persons declared
40 incompetent to vote, and department of public health
41 records of deceased persons.

42 b. On or after January 1, 2006, a county shall not
43 establish or maintain a voter registration system
44 separate from the state voter registration system.
45 Each county shall provide to the state registrar the
46 names, voter registration information, and voting
47 history of each registered voter in the county in the
48 form required by the state registrar.

49 c. A state or local election official may obtain
50 immediate electronic access to the information

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1 contained in the computerized voter registration file.
2 All voter registration information obtained by a local
3 election official shall be electronically entered into
4 the computerized voter registration file on an
5 expedited basis at the time the information is
6 provided to the local election official. The state
7 registrar shall provide such support as may be
8 required to enable local election officials to
9 electronically enter the information into the
10 computerized voter registration file on an expedited
11 basis. The list generated from the computerized file
12 shall serve as the official voter registration list
13 for the conduct of all elections for federal office in

14 the state.

15 d. The state registrar shall prescribe by rule the
16 procedures for access to the state voter registration
17 file, security requirements, and access protocols for
18 adding, changing, or deleting information from the
19 state voter registration file.

20 Sec. 3. Section 47.8, Code Supplement 2003, is
21 amended by adding the following new subsection:
22 NEW SUBSECTION. 5. In complaint proceedings held
23 pursuant to section 47.1 in which one of the
24 respondents is the state commissioner of elections,
25 the presiding officer shall be a panel consisting of
26 all members of the state voter registration
27 commission, except the state commissioner of elections
28 or the state commissioner's designee.

29 Sec. 4. Section 48A.8, Code 2003, is amended to
30 read as follows:

31 48A.8 REGISTRATION BY MAIL.

32 1. An eligible elector may register to vote by
33 completing a mail registration form. The form may be
34 mailed or delivered by the registrant or the
35 registrant's designee to the commissioner in the
36 county where the person resides. A separate
37 registration form shall be signed by each individual
38 registrant.

39 2. An eligible elector who registers by mail and
40 who has not previously voted in an election for
41 federal office in the county of registration shall be
42 required to provide identification documents when
43 voting for the first time in the county, unless the
44 registrant provided on the registration form the
45 registrant's Iowa driver's license number, or the
46 registrant's Iowa nonoperator's identification card
47 number, or the last four numerals of the registrant's
48 social security number and the driver's license,
49 nonoperator's identification, or partial social
50 security number matches an existing state or federal

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1 identification record with the same number, name, and
2 date of birth. If the registrant under this
3 subsection votes in person at the polls, or by
4 absentee ballot at the commissioner's office or at a
5 satellite voting station, the registrant shall provide
6 a current and valid photo identification card, or
7 shall present to the appropriate election official one
8 of the following current documents that shows the name
9 and address of the registrant:

10 a. Utility bill.

11 b. Bank statement.

12 c. Paycheck.

13 d. Government check.
 14 e. Other government document.
 15 3. If the registrant under subsection 2 votes an
 16 absentee ballot by mail, the registrant shall provide
 17 a photocopy of one of the documents listed in
 18 subsection 2 when returning the absentee ballot.
 19 4. A registrant under subsection 2 who is required
 20 to present identification when casting a ballot in
 21 person shall be permitted to vote a provisional ballot
 22 if the voter does not provide the required
 23 identification documents. If a voter who is required
 24 to present identification when casting a ballot votes
 25 an absentee ballot by mail, the ballot returned by the
 26 voter shall be considered a provisional ballot
 27 pursuant to sections 49.81 and 53.31.
 28 Sec. 5. Section 48A.11, subsection 1, paragraph b,
 29 Code 2003, is amended to read as follows:
 30 b. The registrant's name, including first name and
 31 any family forename or surname.
 32 Sec. 6. Section 48A.11, subsection 1, paragraph e,
 33 Code 2003, is amended by striking the paragraph and
 34 inserting in lieu thereof the following:
 35 e. Iowa driver's license number if the registrant
 36 has a current and valid Iowa driver's license, Iowa
 37 nonoperator's identification card if the registrant
 38 has a current and valid Iowa nonoperator's
 39 identification card, or the last four numerals of the
 40 registrant's social security number. If the
 41 registrant does not have an Iowa driver's license
 42 number, a nonoperator's identification card number,
 43 or a social security number, the form shall provide
 44 space for a number to be assigned as provided in
 45 subsection 7.
 46 Sec. 7. Section 48A.11, subsection 1, paragraph f,
 47 Code 2003, is amended to read as follows:
 48 f. Date of birth, including month, date, and year.
 49 Sec. 8. Section 48A.11, Code 2003, is amended by
 50 adding the following new subsection:

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1 NEW SUBSECTION. 2A. The following questions and
 2 statement regarding eligibility shall be included on
 3 forms that may be used for registration by mail:
 4 a. Are you a citizen of the United States of
 5 America?
 6 b. Will you be eighteen years of age on or before
 7 election day?
 8 c. If you checked "no" in response to either of
 9 these questions, do not complete this form.
 10 Sec. 9. Section 48A.11, subsection 5, Code 2003,
 11 is amended to read as follows:

12 5. All forms for voter registration shall be
13 prescribed ~~by rule adopted~~ by the state voter
14 registration commission.

15 Sec. 10. Section 48A.11, Code 2003, is amended by
16 adding the following new subsection:

17 NEW SUBSECTION. 7. A voter registration
18 application lacking the registrant's name, sex, date
19 of birth, or residence address or description shall
20 not be processed. A voter registration application
21 lacking the registrant's driver's license number, Iowa
22 nonoperator's identification card number, or the last
23 four digits of the registrant's social security number
24 shall not be processed. A registrant whose
25 registration is not processed pursuant to this
26 subsection shall be notified pursuant to section
27 48A.26, subsection 3. A registrant who does not have
28 an Iowa driver's license number, an Iowa nonoperator's
29 identification number, or a social security number and
30 who notifies the registrar of such shall be assigned a
31 unique identifying number that shall serve to identify
32 the registrant for voter registration purposes.

33 Sec. 11. NEW SECTION. 48A.25A VERIFICATION OF
34 VOTER REGISTRATION INFORMATION.

35 Upon receipt of an application for voter
36 registration by mail, the state registrar of voters
37 shall compare the driver's license number, the Iowa
38 nonoperator's identification card number, or the last
39 four numerals of the social security number provided
40 by the registrant with the records of the state
41 department of transportation. To be verified, the
42 voter registration record shall contain the same name,
43 date of birth, and driver's license or whole or
44 partial social security number as the records of the
45 department of transportation. If the information
46 cannot be verified, the application shall be rejected
47 and the registrant shall be notified of the reason for
48 the rejection. If the information can be verified, a
49 record shall be made of the verification and the
50 application shall be accepted.

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1 The voter registration commission shall adopt rules
2 in accordance with chapter 17A to provide procedures
3 for processing registration applications if the
4 department of transportation does not, before the
5 close of registration for an election for which the
6 voter registration would be effective, if verified,
7 provide a report that the information on the
8 application has matched or not matched the records of
9 the department.

10 This section does not apply to persons entitled to

11 register to vote and to vote pursuant to section
12 48A.5, subsection 4.
13 Sec. 12. Section 48A.26, subsection 3, Code 2003,
14 is amended to read as follows:
15 3. If the registration form is missing required
16 information pursuant to section 48A.11, subsection 7,
17 the acknowledgment shall advise the applicant what
18 additional information is required. The commissioner
19 shall enclose a new registration by mail form for the
20 applicant to use. If the registration form has no
21 address, the commissioner shall make a reasonable
22 effort to determine where the acknowledgment should be
23 sent. If the incomplete application is received
24 during the twelve days before the close of
25 registration for an election, the commissioner shall
26 provide the registrant with an opportunity to complete
27 the form before the close of registration.
28 Sec. 13. Section 48A.26, Code 2003, is amended by
29 adding the following new subsections:
30 NEW SUBSECTION. 3A. If the registrant applied by
31 mail to register to vote and did not answer either
32 “yes” or “no” to the question in section 48A.11,
33 subsection 2A, paragraph “a”, the application shall be
34 processed, but the registration shall be designated as
35 valid only for elections that do not include
36 candidates for federal offices on the ballot. The
37 acknowledgment shall advise the applicant that the
38 status of the registration is local and the reason for
39 the registration being assigned local status. The
40 commissioner shall enclose a new registration by mail
41 form for the applicant to use. If the original
42 application is received during the twelve days before
43 the close of registration for an election that
44 includes candidates for federal offices on the ballot,
45 the commissioner shall provide the registrant with an
46 opportunity to complete the form before the close of
47 registration.
48 NEW SUBSECTION. 3B. If the registrant applied by
49 mail to register to vote and answered “no” to the
50 question in section 48A.11, subsection 2A, paragraph

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1 “a”, the application shall not be processed. The
2 acknowledgement shall advise the applicant that the
3 registration has been rejected because the applicant
4 indicated on the registration form that the applicant
5 is not a citizen of the United States.
6 Sec. 14. Section 48A.28, subsection 2, unnumbered
7 paragraph 2, Code 2003, is amended to read as follows:
8 A commissioner participating in the national change
9 of address program, in the first quarter of each

10 calendar year, shall send a notice and preaddressed,
 11 postage paid return card by forwardable mail to each
 12 registered voter whose name was not reported by the
 13 national change of address program and who has not
 14 voted; in two or more consecutive general elections
 15 and has not registered again, or who has not reported
 16 a change to an existing registration, or who has not
 17 responded to a notice from the commissioner or
 18 registrar during the preceding four calendar years
 19 period between and following the previous two general
 20 elections. The form and language of the notice and
 21 return card shall be specified by the state voter
 22 registration commission by rule. A registered voter
 23 shall not be sent a notice and return card under this
 24 subsection more frequently than once in a four-year
 25 period.

26 Sec. 15. Section 48A.36, subsection 2, Code 2003,
 27 is amended to read as follows:

28 2. Upon receipt of electronic registration data
 29 under subsection 1, the state registrar of voters ~~may~~
 30 shall cause the updating of registration records ~~for~~
 31 ~~registrants in counties which have arranged for data~~
 32 ~~processing services under section 47.7, subsection 2.~~
 33 The registrar shall notify the appropriate
 34 commissioner of the actions taken.

35 Sec. 16. Section 48A.37, subsection 2, Code 2003,
 36 is amended to read as follows:

37 2. Electronic records shall include a status code
 38 designating whether the records are active, ~~or~~
 39 ~~inactive, local or pending~~. Inactive records are
 40 records of registered voters to whom notices have been
 41 sent pursuant to section 48A.28, subsection 3, and who
 42 have not returned the card or otherwise responded to
 43 the notice, and those records have been designated
 44 inactive pursuant to section 48A.29. Local records
 45 are records of applicants who did not answer either
 46 “yes” or “no” to the question in section 48A.11,
 47 subsection 2A, paragraph “a”. Pending records are
 48 records of applicants whose applications have not been
 49 verified pursuant to section 48A.25A. All other
 50 records are active records. An inactive record shall

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1 be made active when the registered voter votes at an
 2 election, registers again, or reports a change of
 3 name, address, telephone number, or political party
 4 affiliation. A pending record shall be made active
 5 upon verification. A local record shall be valid for
 6 any election for which no candidates for federal
 7 office appear on the ballot, but the registrant may
 8 not vote in a federal election unless the registrant

9 submits a new voter registration application before
10 election day indicating that the applicant is a
11 citizen of the United States.

12 Sec. 17. Section 48A.38, subsection 1, paragraph
13 f, Code 2003, is amended to read as follows:

14 f. The county commissioner of registration and the
15 state registrar of voters shall remove a voter's
16 social security number, driver's license number, or
17 Iowa nonoperator's identification card number from a
18 voter registration list prepared pursuant to this
19 section.

20 Sec. 18. Section 49.81, Code 2003, is amended to
21 read as follows:

22 49.81 PROCEDURE FOR CHALLENGED VOTER TO CAST
23 PROVISIONAL BALLOT.

24 1. A prospective voter who is prohibited under
25 section 48A.8, subsection 4, section 49.77, subsection
26 4, or section 49.80 from voting except under this
27 section shall be ~~permitted to~~ notified by the
28 appropriate precinct election official that the voter
29 may cast a ~~paper~~ provisional ballot. If a booth
30 meeting the requirement of section 49.25 is not
31 available at that polling place, the precinct election
32 officials shall make alternative arrangements to
33 insure the challenged voter the opportunity to vote in
34 secret. The marked ballot, folded as required by
35 section 49.84, shall be delivered to a precinct
36 election official who shall immediately seal it in an
37 envelope of the type prescribed by subsection 4. The
38 sealed envelope shall be deposited in ~~a special an~~
39 envelope marked ~~"ballots for special precinct"~~
40 "provisional ballots" and shall be considered as
41 having been cast in the special precinct established
42 by section 53.20 for purposes of the postelection
43 canvass.

44 2. Each person who casts a ~~special~~ provisional
45 ballot under this section shall receive a printed
46 statement in substantially the following form:
47 Your qualifications as a registered voter have been
48 challenged for the following reasons:

- 49 I.
- 50 II.

Page 8

- 1 III.
- 2 ... You must show identification before your ballot
3 can be counted. Please bring or mail a copy of a
4 current and valid photo identification card to the
5 county commissioners office or bring or mail a copy of
6 one of the following current documents that show your
7 name and address:

8 a. Utility bill.
 9 b. Bank statement.
 10 c. Paycheck.
 11 d. Government check.
 12 e. Other government document.
 13 PARAGRAPH DIVIDED. Your right to vote will be
 14 reviewed by the special precinct counting board on
 15 You have the right and are encouraged to make
 16 a written statement and submit additional written
 17 evidence to this board supporting your qualifications
 18 as a registered voter. This written statement and
 19 evidence may be given to an election official of this
 20 precinct on election day or mailed or delivered to the
 21 county commissioner of elections, but must be received
 22 before a.m./p.m. on at If your
 23 ballot is not counted you will receive, by mail,
 24 notification of this fact and the reason that the
 25 ballot was not counted.

26 3. Any elector may present written statements or
 27 documents, supporting or opposing the counting of any
 28 special provisional ballot, to the precinct election
 29 officials on election day, until the hour for closing
 30 the polls. Any statements or documents so presented
 31 shall be delivered to the commissioner when the
 32 election supplies are returned.

33 4. The individual envelopes used for each ~~paper~~
 34 provisional ballot cast pursuant to subsection 1 shall
 35 have printed on them ~~the format of the face of the~~
 36 ~~registration form under section 48A.8 and the~~
 37 following:

38 I believe I am a registered voter of this ~~precinct~~
 39 county and I am eligible to vote in this election. I
 40 registered to vote in county on or about
 41 at My name at that time was I have not
 42 moved to a different county since that time. I am a
 43 United States citizen, at least eighteen years of age.
 44
 45 (signature of voter) (date)

46 The following information is to be provided by the
 47 precinct election official:
 48 Reason for challenge:
 49
 50

1 ... Did not present required identification form.
 2
 3 (signature of precinct
 4 election official)
 5 The precinct election official shall attach a
 6 completed voter registration form from each

7 provisional voter unless the person's registration
 8 status is listed in the election register as pending.
 9 Sec. 19. Section 49.98, Code 2003, is amended to
 10 read as follows:
 11 49.98 COUNTING BALLOTS.
 12 The ballots shall be counted according to the
 13 voters' marks on them as provided in sections 49.92 to
 14 49.97, and not otherwise. If, for any reason, it is
 15 impossible to determine from a ballot, as marked, the
 16 choice of the voter for any office, the vote for that
 17 office shall not be counted. When there is a conflict
 18 between a straight party or organization vote for one
 19 political party or nonparty political organization and
 20 the vote cast by marking the voting target next to the
 21 name of a candidate for another political party or
 22 nonparty political organization on the ballot, the
 23 mark next to the name of the candidate shall be held
 24 to control, and the straight party or organization
 25 vote in that case shall not apply as to that office.
 26 ~~Any ballot shall be rejected if it is marked in any~~
 27 ~~other manner than authorized in sections 49.92 to~~
 28 ~~49.97.~~ A ballot shall be rejected if the voter used a
 29 mark to identify the voter's ballot. For each voting
 30 system, the state commissioner shall, by rule adopted
 31 pursuant to chapter 17A, develop uniform definitions
 32 of what constitutes a vote.

33 Sec. 20. Section 50.20, Code 2003, is amended to
 34 read as follows:
 35 50.20 NOTICE OF NUMBER OF ~~SPECIAL~~ PROVISIONAL
 36 BALLOTS.
 37 The commissioner shall compile a list of the number
 38 of ~~special~~ provisional ballots cast under section
 39 49.81 in each precinct. The list shall be made
 40 available to the public as soon as possible, but in no
 41 case later than nine o'clock a.m. on the second day
 42 following the election. Any elector may examine the
 43 list during normal office hours, and may also examine
 44 the affidavit envelopes bearing the ballots of
 45 challenged electors until the reconvening of the
 46 special precinct board as required by this chapter.
 47 Only those persons so permitted by section 53.23,
 48 subsection 4, shall have access to the affidavits
 49 while that board is in session. Any elector may
 50 present written statements or documents, supporting or

Page 10

1 opposing the counting of any special ballot, at the
 2 commissioner's office until the reconvening of the
 3 special precinct board.
 4 Sec. 21. Section 50.21, unnumbered paragraph 2,
 5 Code 2003, is amended to read as follows:

6 If no ~~special~~ provisional ballots were cast in the
 7 county pursuant to section 49.81 at any election, the
 8 special precinct election board need not be so
 9 reconvened. If the number of ~~special~~ provisional
 10 ballots ~~se~~ cast at any election is not sufficient to
 11 require reconvening of the entire election board of
 12 the special precinct, the commissioner may reconvene
 13 only the number of members required. If the number of
 14 ~~special~~ provisional ballots cast at any election
 15 exceeds the number of absentee ballots cast, the size
 16 of the special precinct election board may be
 17 increased at the commissioner's discretion. The
 18 commissioner shall observe the requirements of
 19 sections 49.12 and 49.13 in making adjustments to the
 20 size of the special precinct election board.

21 Sec. 22. Section 52.2, Code 2003, is amended to
 22 read as follows:

23 52.2 PURCHASE.

24 The board of supervisors of ~~any~~ a county may, by a
 25 majority vote, authorize, purchase, and order the use
 26 of ~~either~~ voting machines or an electronic voting
 27 system in any one or more voting precincts within ~~said~~
 28 the county until otherwise ordered by ~~said~~ the board
 29 of supervisors. Voting machines and an electronic
 30 voting system may be used concurrently ~~at different~~
 31 ~~precincts within any county, but not~~ at the same
 32 precinct.

33 Sec. 23. NEW SECTION. 53.37A STATE COMMISSIONER
 34 DUTIES.

35 The state commissioner of elections shall provide
 36 information regarding voter registration procedures
 37 and absentee ballot procedures to be used by members
 38 of the armed forces of the United States. The state
 39 commissioner shall accept valid voter registration
 40 applications and absentee ballot applications and
 41 shall forward the applications to the appropriate
 42 county commissioner of elections in a timely manner.

43 Sec. 24. Section 53.40, unnumbered paragraph 1,
 44 Code 2003, is amended to read as follows:

45 A request in writing for a ballot may be made by
 46 any member of the armed forces of the United States
 47 who is or will be a qualified voter on the day of the
 48 election at which the ballot is to be cast, at any
 49 time before the election. Any member of the armed
 50 forces of the United States may request ballots for

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- 1 all elections to be held ~~within a calendar year~~
- 2 through the next two general elections. The request
- 3 may be made by using the federal postcard application
- 4 form and indicating that the applicant wishes to

5 receive ballots for all elections as permitted by
6 state law. The county commissioner shall send the
7 applicant a ballot for each election held ~~during the~~
8 ~~calendar year in which~~ after the application is
9 received and through the next two general elections.
10 The commissioner shall forward a copy of the absentee
11 ballot request to other commissioners who are
12 responsible under section 47.2, subsection 2, for
13 conducting elections in which the applicant is
14 eligible to vote.

15 Sec. 25. Section 53.53, Code 2003, is amended by
16 adding the following new unnumbered paragraphs:
17 NEW UNNUMBERED PARAGRAPH. A federal write-in
18 ballot received by the state commissioner of elections
19 shall be forwarded immediately to the appropriate
20 county commissioner. However, if the state
21 commissioner receives a federal write-in ballot after
22 election day and before noon on the Monday following
23 an election, the state commissioner shall at once
24 verify that the voter has complied with the
25 requirements of this section and that the voter's
26 federal write-in ballot is eligible to be counted. If
27 the ballot is eligible to be counted, the state
28 commissioner shall notify the appropriate county
29 commissioner and make arrangements for the ballot to
30 be transmitted to the county for counting. If the
31 ballot is not eligible to be counted, the state
32 commissioner shall mail the ballot to the appropriate
33 commissioner along with notification that the ballot
34 is ineligible to be counted. The county commissioner
35 shall keep the ballot with the other records of the
36 election.

37 NEW UNNUMBERED PARAGRAPH. The county commissioner
38 shall notify a voter when the voter's federal write-in
39 ballot was not counted and shall give the voter the
40 reason the ballot was not counted.

41 Sec. 26. IMMEDIATE EFFECTIVE DATE. This Act,
42 being deemed of immediate importance, takes effect
43 upon enactment."

44 2. Title page, by striking lines 3 and 4, and
45 inserting the following: "to reflect current
46 practice, and providing an".

JOHN P. KIBBIE
DENNIS H. BLACK
MIKE CONNOLLY
THOMAS G. COURTNEY
DICK L. DEARDEN
AMANDA RAGAN

S-5138

- 1 Amend House File 2476, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 19 the
4 following:
5 “___.” “Law enforcement officer” means an Iowa
6 state patrol officer or a regularly employed member of
7 a police force of a city or county, including but not
8 limited to a sheriff’s office, who is responsible for
9 the prevention and detection of a crime and the
10 enforcement of the criminal laws of this state.”
- 11 2. Page 3, line 14, by striking the words “An
12 establishment” and inserting the following: “A
13 concentration point”.
- 14 3. Page 3, line 15, by striking the word
15 “establishment” and inserting the following:
16 “concentration point”.
- 17 4. Page 3, line 18, by striking the words “An
18 establishment” and inserting the following: “A
19 concentration point”.
- 20 5. Page 4, line 14, by inserting before the word
21 “concentration” the following: “restricted”.
- 22 6. Page 5, by inserting after line 2 the
23 following:
24 “___.” This subsection applies to poultry
25 maintained at a restricted concentration point, or
26 poultry transported to or from a restricted
27 concentration point.
- 28 a. The department or a law enforcement officer may
29 confiscate poultry before a contested case proceeding
30 or judicial hearing is conducted to determine whether
31 this section has been violated. If the department or
32 a court determines that a violation of this section
33 has occurred, the poultry are conclusively deemed to
34 be infected with a pathogenic virus. The poultry
35 shall be kept separate and apart until destroyed by
36 euthanasia as defined in section 162.2.
- 37 b. The department shall provide that real or
38 personal property that is exposed to the poultry shall
39 be sanitized as required to eliminate the source of
40 the pathogenic virus. As part of the sanitation, the
41 department shall provide for the disposal of poultry
42 carcasses, eggs, or manure. Upon inspection, the
43 department shall certify that the sanitization has
44 been performed as required by this paragraph.
- 45 c. The department may utilize the procedures
46 provided in section 17A.18A in order to enforce the
47 provisions of this section. The attorney general or
48 county attorney may petition the district court for an
49 expedited hearing.
- 50 d. The department shall be reimbursed by the owner

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1 of the poultry or property for costs required to carry
 2 out this subsection. However, if the enforcement
 3 action is brought due to the activity of a law
 4 enforcement officer of a political subdivision, the
 5 political subdivision shall be reimbursed by the owner
 6 of the poultry or property for those costs. The
 7 department or political subdivision shall certify the
 8 amount to the county auditor of any county in which
 9 the owner is a titleholder of real property. The
 10 amount shall be placed upon the tax books which shall
 11 be a lien upon the real property, and collected with
 12 interest and penalties after due, in the same manner
 13 as other unpaid property taxes.”

COMMITTEE ON AGRICULTURE
 DAVID JOHNSON, Chair

S-5139

1 Amend Senate File 2207 as follows:
 2 1. Page 1, line 3, by striking the word “A” and
 3 inserting the following: “No later than January 1,
 4 2007, a”.
 5 2. Page 2, line 2, by striking the word “A” and
 6 inserting the following: “No later than January 1,
 7 2007, a”.
 8 3. Page 2, line 6, by striking the word “A” and
 9 inserting the following: “No later than January 1,
 10 2007, a”.
 11 4. Page 2, by inserting after line 17, the
 12 following:
 13 “Sec. ____ EFFECTIVE DATE. This Act takes effect
 14 January 1, 2005.”
 15 5. Title page, line 3, by inserting after the
 16 word “providers” the following: “, and providing an
 17 effective date”.
 18 6. By renumbering as necessary.

JOHN PUTNEY
 AMANDA RAGAN
 BRYAN J. SIEVERS
 KEITH A. KREIMAN
 MARK ZIEMAN
 MICHAEL E. GRONSTAL

S-5140

1 Amend Senate File 2259 as follows:
 2 1. Page 1, by striking lines 7 through 9 and
 3 inserting the following: “initiatives.”

- 4 2. Page 1, by inserting before line 10, the
5 following:
6 “1A. A nondenominational, statewide, nonprofit
7 agency or state agency shall act as the repository for
8 any federal or other funding specifically designated
9 for faith-based and community-based initiatives.”
10 3. By renumbering as necessary.

KEITH A. KREIMAN

S-5141

- 1 Amend Senate File 2236 as follows:
2 1. Page 1, line 8, by inserting after the figure
3 “135.1,” the following: “an advanced registered nurse
4 practitioner licensed pursuant to chapter 152.”
5 2. By renumbering as necessary.

DAVID JOHNSON

S-5142

- 1 Amend the amendment, S-5129, to Senate File 2254 as
2 follows:
3 1. Page 1, by striking lines 2 through 19, and
4 inserting the following:
5 “___ Page 4, by striking lines 10 through 15,
6 and inserting the following:
7 “9. An offense under this section requires proof
8 that the person engaging in the act knew or should
9 have known that the victim of the underlying offense
10 was pregnant.
11 9A. An offense under this section does not require
12 proof that the person engaging in the act intended to
13 cause the death of or bodily harm to the unborn
14 child.””

JACK HATCH

S-5143

- 1 Amend House File 2434, as passed by the House, as
2 follows:
3 1. Page 16, line 23, by striking the word
4 “twenty-seven” and inserting the following: “fifty-
5 nine”.
6 2. Page 17, by striking lines 22 through 29.
7 3. Page 17, line 30, by striking the word “g”
8 and inserting the following: “f”.

9 4. Page 17, line 31, by striking the word “f”
 10 and inserting the following: “e”.

RON WIECK
 JOHN PUTNEY
 DARYL BEALL

S-5144

1 Amend the amendment, S-5129, to Senate File 2254 as
 2 follows:
 3 1. Page 1, by striking lines 4 through 19 and
 4 inserting the following:
 5 ““Section 1. Section 707.8, Code 2003, is amended
 6 by adding the following new subsections before
 7 subsection 1 and renumbering the subsequent
 8 subsections:
 9 NEW SUBSECTION. 0A. A person who commits murder
 10 in the first degree against a pregnant woman which
 11 also results in the termination of the human pregnancy
 12 also commits murder in the first degree against the
 13 human pregnancy. Murder in the first degree against a
 14 human pregnancy is a class “A” felony.
 15 NEW SUBSECTION. 0B. A person who commits murder
 16 in the second degree against a pregnant woman which
 17 also results in the termination of the human pregnancy
 18 also commits murder in the second degree against the
 19 human pregnancy. Murder in the second degree against
 20 a human pregnancy is a class “B” felony punishable by
 21 the maximum sentence prescribed pursuant to section
 22 707.3.”
 23 _____. Title page, lines 1 and 2, by striking the
 24 words “an unborn child, providing for a repeal,” and
 25 inserting the following: “a human pregnancy.”

KEITH A. KREIMAN

S-5145

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 10, by striking the word “and”.
 4 2. Page 1, line 11, by inserting after the figure
 5 “135C.1” the following: “, and a federally licensed,
 6 regulated, or registered nonprofit blood bank, blood
 7 center, or plasma center collecting, processing, or
 8 distributing whole human blood, blood components,
 9 plasma, blood fractions, or blood derivatives for use
 10 by a licensed health care provider”.
 11 3. By renumbering as necessary.

MAGGIE TINSMAN

S-5146

1 Amend House File 2538, as passed by the House, as
2 follows:
3 1. Page 1, line 6, by striking the words “amount
4 for the purpose” and inserting the following:
5 “amounts for the purposes”.
6 2. Page 1, line 8, by inserting before the word
7 “To” the following: “1.”
8 3. Page 1, by inserting after line 11 the
9 following:
10 “2. To make Iowa communications network part III
11 lease and maintenance payments:
12 \$ 1,363,500”
13 4. Page 1, line 19, by striking the figure
14 “17,500,000” and inserting the following:
15 “18,863,500”.

STEVE WARNSTADT

S-5147

1 Amend House File 2484, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 39, by inserting after line 27 the
4 following:
5 “Nothing in this section shall be construed to
6 allow the sale of title insurance or the charging of
7 title insurance premiums except as provided in
8 subparagraph (10).”

LARRY McKIBBEN

S-5148

1 Amend House File 2538, as passed by the House, as
2 follows:
3 1. Page 1, line 6, by striking the words “amount
4 for the purpose” and inserting the following:
5 “amounts for the purposes”.
6 2. Page 1, line 8, by inserting before the word
7 “To” the following: “1.”
8 3. Page 1, by inserting after line 11 the
9 following:
10 “2. To be used for the appropriation made in 2003
11 Iowa Acts, chapter 177, section 10, subsection 1, for
12 planning and design of a national guard readiness
13 center in or near Iowa City for FY 2003–2004:
14 \$ 195,000
15 3. To be used for the appropriation made in 2003
16 Iowa Acts, chapter 177, section 10, subsection 2, for
17 planning, design, and construction of a national guard

18 readiness center in or near Fort Dodge in FY 2003–
 19 2004:
 20 \$ 750,000”
 21 4. Page 1, line 19, by striking the figure
 22 “17,500,000” and inserting the following:
 23 “19,808,500”.

DARYL BEALL
 JOE BOLKCOM
 ROBERT E. DVORSKY

S-5149

1 Amend Senate File 2267 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “Section 1. Section 455B.133, subsection 4,
 5 unnumbered paragraph 1, Code 2003, is amended to read
 6 as follows:
 7 Adopt, amend, or repeal emission limitations or
 8 standards relating to the maximum quantities of air
 9 contaminants that may be emitted from any air
 10 contaminant source. The standards or limitations
 11 adopted under this section shall not exceed the
 12 standards or limitations promulgated by the
 13 administrator of the United States environmental
 14 protection agency or the requirements of the federal
 15 Clean Air Act as amended through January 1, 1991.
 16 ~~This does not prohibit the~~ The commission ~~from~~
 17 ~~adopting~~ shall not adopt a standard for a source or
 18 class of sources for which the United States
 19 environmental protection agency has not promulgated a
 20 standard. ~~This also section~~ does not prohibit the
 21 commission from adopting an emission standard or
 22 limitation for infectious medical waste treatment or
 23 disposal facilities which exceeds the standards or
 24 limitations promulgated by the administrator of the
 25 United States environmental protection agency or the
 26 requirements of the federal Clean Air Act as amended
 27 through January 1, 1991. The commission shall not
 28 adopt an emission standard or limitation for
 29 infectious medical waste treatment or disposal
 30 facilities prior to January 1, 1995, which exceeds the
 31 standards or limitations promulgated by the
 32 administrator of the United States environmental
 33 protection agency or the requirements of the federal
 34 Clean Air Act, as amended through January 1, 1991, for
 35 a hospital, or a group of hospitals, licensed under
 36 chapter 135B which has been operating an infectious
 37 medical waste treatment or disposal facility prior to
 38 January 1, 1991. The commission shall not adopt or
 39 enforce rules under this section that apply to an

40 animal feeding operation as provided in chapter 459.
41 Sec. 2. NEW SECTION. 455B.133A HEALTH EFFECT
42 ADVISORY PANEL.
43 Concurrent with the field study conducted pursuant
44 to section 459.207, a health effect advisory panel
45 shall be convened as provided in this section.
46 1. a. The director shall request interested
47 organizations to appoint voting members to the panel
48 as follows:
49 (1) The national research council of the national
50 academies, which may appoint up to three members who

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1 reside in this state or in states contiguous to this
2 state.
3 (2) The university of Iowa, which may appoint one
4 member.
5 (3) Iowa State university, which may appoint one
6 member.
7 (4) The Iowa department of public health, which
8 may appoint one member.
9 (5) The United States department of agriculture,
10 which may appoint one member.
11 (6) The department of agriculture and land
12 stewardship, which may appoint one member.
13 Each organization that appoints a member to the
14 panel may also appoint an alternate who shall serve as
15 the organization's representative on the panel if the
16 principal appointee is unable to attend.
17 b. The director shall appoint the following
18 persons who shall serve on the panel as ex officio,
19 nonvoting members:
20 (1) A person who owns a confinement feeding
21 operation that includes a structure which stores
22 liquid manure, other than a small animal feeding
23 operation.
24 (2) A person who owns a confinement feeding
25 operation that includes a structure which stores
26 manure exclusively on a dry-matter basis, other than a
27 small animal feeding operation.
28 (3) A person who resides within one mile of a
29 confinement feeding operation, other than a small
30 animal feeding operation.
31 (4) A person who is actively engaged in a
32 manufacturing business, other than the manufacturing
33 of anhydrous ammonia.
34 (5) A person who is actively engaged in a business
35 involved in the manufacturing, storage, or delivery of
36 anhydrous ammonia.
37 (6) A person who represents a municipality in this
38 state and is actively engaged in operating a

39 wastewater treatment facility.

40 (7) A person who is employed by the department.

41 Each ex officio member may appoint an alternate who
42 shall serve in place of the principal member appointed
43 by the director whenever the principal member is
44 unable to attend a meeting.

45 2. a. The voting members of the panel shall elect
46 a chairperson from the panel's membership. Meetings
47 may be called by the chairperson or a majority of the
48 voting members. A majority of the panel's voting
49 members constitutes a quorum. An affirmative vote of
50 a majority of the entire voting membership is

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1 necessary for the panel to take a substantive action
2 other than adjourning a meeting.

3 b. The voting members shall serve without per
4 diem, but shall be reimbursed by the department for
5 actual and necessary expenses. The ex officio members
6 shall serve without per diem expenses.

7 3. Upon request by the panel, the department shall
8 provide clerical and technical staffing, materials,
9 and meeting rooms necessary for the panel's
10 operations.

11 4. The panel shall consult with the agency for
12 toxic substances and disease registry as to the health
13 effect levels as defined in section 459.207, if any,
14 for odor.

15 5. The panel is a government body for purposes of
16 chapters 21 and 22.

17 6. a. The panel shall submit interim reports and
18 a final report to the general assembly regarding
19 health effect levels as defined in section 459.207, if
20 any, for odor. The report shall include a
21 determination whether a health effect level for odor
22 is determinable based on a reasonable degree of
23 scientific certainty. If the panel finds that it is
24 determinable, the report shall contain findings and
25 recommendations regarding the health effect levels of
26 odor.

27 b. The panel shall submit an interim report to the
28 general assembly on or before January 15 of each year.
29 The panel's final report shall be submitted no later
30 than December 31, 2006. The final report shall
31 contain findings and, if appropriate, recommendations.

32 c. The commission shall not adopt a rule providing
33 a health effect level for odor until after the panel
34 submits its final report to the general assembly and a
35 statute that provides for the health effect level for
36 odor is enacted.

37 Sec. 3. Section 459.207, Code 2003, is amended by

38 striking the section and inserting in lieu thereof the
39 following:
40 459.207 ANIMAL FEEDING OPERATIONS — AIRBORNE
41 POLLUTANTS CONTROL.
42 1. As used in this section:
43 a. “Airborne pollutant” means hydrogen sulfide,
44 ammonia, or odor.
45 b. “Health effect level” means a level and
46 duration of exposure to odor that causes a material
47 and verifiable physical disease when humans are
48 exposed to an airborne pollutant for periods
49 consistent with the average exposure periods and
50 levels recorded at a separated location.

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1 c. “Minimal risk level” means the concentration
2 dose and duration of exposure to hydrogen sulfide or
3 ammonia as provided in subsection 4 as recorded at a
4 separated location.
5 d. “Separated location” means a location or object
6 from which a separation distance is required under
7 section 455B.134, subsection 3, paragraph “f”, section
8 459.202, or section 459.204, other than a public
9 thoroughfare.
10 2. The department shall conduct a comprehensive
11 field study to monitor the level of airborne
12 pollutants from animal feeding operations in this
13 state, including but not limited to each type of
14 confinement feeding operation structure. The field
15 study as to each airborne pollutant shall be conducted
16 and shall continue for a period of not less than three
17 years. The monitoring period for an airborne
18 pollutant shall begin with the start of collection of
19 valid data for such airborne pollutant, including but
20 not limited to the collection of valid data prior to
21 the effective date of this Act. The field study shall
22 include monitoring data from at least five confinement
23 feeding operations for each type or phase of animal
24 production system commonly used in this state and for
25 each type of manure storage or treatment system
26 commonly used at such animal production systems. The
27 confinement feeding operations monitored shall, to
28 every extent practicable, be located in different
29 geographic locations in the state.
30 3. The department shall collect monitoring data
31 only from separated locations as provided in this
32 subsection. Monitoring data collected at locations
33 other than as provided in this subsection shall be
34 invalid.
35 a. For purposes of measuring hydrogen sulfide and
36 ammonia, monitoring data is considered to be taken at

37 a separated location if the monitor is located within
38 three hundred feet of the following:

39 (1) A structure that constitutes the separated
40 location.

41 (2) The boundaries of a public use area.

42 However, in no event shall monitoring data be
43 collected at a distance closer than the required
44 minimum separation distance that applies to the manure
45 application or confinement feeding operation
46 structure.

47 b. For purposes of measuring odor, monitoring data
48 is considered to be taken at a separated location if
49 the monitoring data is collected at a location that is
50 not closer than the required minimum separation

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1 distance that applies to the manure application or
2 confinement feeding operation structure.

3 4. a. For an airborne pollutant that is hydrogen
4 sulfide, the minimal risk levels are as follows:

5 (1) The acute minimal risk level is a
6 concentration dose exceeding seventy parts per billion
7 for the duration of fourteen consecutive days. The
8 sum of the hourly averages for fourteen consecutive
9 days shall not exceed twenty-three and fifty-two
10 hundredths parts per million-hour.

11 (2) The intermediate minimal risk level is a
12 concentration dose exceeding thirty parts per billion
13 for the duration of three hundred sixty-four
14 consecutive days. The sum of the hourly averages for
15 three hundred sixty-four consecutive days shall not
16 exceed two hundred sixty-two parts per million-hour.

17 b. For an airborne pollutant that is ammonia, the
18 minimal risk levels are as follows:

19 (1) The minimal risk level is a concentration dose
20 exceeding one thousand seven hundred parts per billion
21 for the duration of fourteen consecutive days. The
22 sum of the hourly averages for fourteen consecutive
23 days shall not exceed five hundred seventy-one parts
24 per million-hour.

25 (2) The chronic minimal risk level is a
26 concentration dose exceeding three hundred parts per
27 billion for the duration of three hundred sixty-five
28 or more consecutive days. The sum of the hourly
29 averages for three hundred sixty-five consecutive days
30 shall not exceed two thousand six hundred twenty-eight
31 parts per million-hour.

32 c. A consecutive day for purposes of this
33 subsection shall be determined as provided in this
34 paragraph. Hourly averages must first be computed by
35 averaging all valid five-minute averages recorded by

36 the data acquisition system in that hour. An hourly
37 average is considered valid if at least forty-five
38 minutes of valid five-minute averages are recorded by
39 the data acquisition system. A sampling day consists
40 of twenty-four nonoverlapping hours beginning from
41 midnight on a given day to midnight on the following
42 day. A day of continuous monitoring data is valid if
43 at least eighteen hours of valid hourly averages have
44 been recorded at the monitoring location. To
45 determine the daily average, each of the valid hourly
46 concentrations associated with a sampling day shall be
47 averaged and truncated to one part per billion. The
48 daily average shall be used to compare with the
49 appropriate minimal risk level or health effect level
50 to determine whether the requisite number of

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1 consecutive daily averages exceeds the applicable
2 concentration dose.

3 5. After completion of the field study, the
4 commission may adopt rules pursuant to chapter 17A,
5 except section 17A.4, subsection 2, and section 17A.5,
6 subsection 2, paragraph "b", to do any of the
7 following:

8 a. Establish recommended best management
9 practices, mechanisms, processes, or infrastructure
10 designed to reduce airborne pollutants from animal
11 feeding operations in accordance with this section.
12 The recommended best management practices, mechanisms,
13 processes, or infrastructure may be developed for a
14 particular air pollutant and for a specific type of
15 confinement feeding operating structure if the data
16 from the field study demonstrates to a reasonable
17 degree of scientific certainty that a particular
18 airborne pollutant from that type of confinement
19 feeding operation structure is present at the
20 separated location at a level exceeding a minimal risk
21 level for hydrogen sulfide or ammonia, or as
22 applicable a health effect level for odor. The
23 department shall consult with the department of
24 agriculture and land stewardship, Iowa state
25 university college of agriculture, and livestock
26 producers who may be impacted before establishing
27 recommended best management practices, mechanisms,
28 processes, or infrastructure. The department shall
29 provide a procedure for the approval of alternative or
30 experimental best management practices, mechanisms,
31 processes, or infrastructure designed to reduce an
32 airborne pollutant from an animal feeding operation.

33 b. Establish rules for the enforcement of a
34 minimal risk level or health effect level only in

35 accordance with this subsection. The commission may
36 adopt rules providing for the enforcement of a minimal
37 risk level for hydrogen sulfide or ammonia, or as
38 applicable a health effect level for odor for a
39 particular airborne pollutant, for a specific type of
40 confinement feeding operation structure if all of the
41 following apply:

42 (1) The data from the field study demonstrates to
43 a reasonable degree of scientific certainty that the
44 airborne pollutant from that type of confinement
45 feeding operation structure is present at separated
46 locations at levels exceeding the minimal risk level
47 for hydrogen sulfide or ammonia, or as applicable a
48 health effect level for odor.

49 (2) A statute that provides for the health effect
50 level is enacted.

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1 The commission shall not adopt rules if the data
2 does not demonstrate to a reasonable degree of
3 scientific certainty that the airborne pollutant from
4 a specific type of confinement feeding operation
5 structure is present at separated locations at levels
6 that exceed the minimal risk level for hydrogen
7 sulfide or ammonia, or as applicable the health effect
8 level for odor.

9 6. If the commission adopts rules under subsection
10 5, the department may monitor the level of airborne
11 pollutants at a separated location in accordance with
12 subsection 3. However, the department shall not
13 monitor the level of airborne pollutants unless a
14 written complaint is received from the owner or
15 occupant of the separated location. The department
16 shall monitor the level of airborne pollutants by
17 collecting data at the separated location owned or
18 occupied by the person making the complaint. In
19 providing for the enforcement of the minimal risk
20 level for hydrogen sulfide or ammonia, or as
21 applicable the health effect level for odor, the
22 department shall take all measurements at the
23 separated location in accordance with subsection 3.

24 a. In using monitoring equipment to collect data
25 for hydrogen sulfide, equipment shall incorporate a
26 thermal oxidizer and a reference method for the
27 measurement of ambient concentrations of sulfur
28 dioxide that meet all calibrations, standards, and
29 testing requirements established by the United States
30 environmental protection agency. In using monitoring
31 equipment to collect data for ammonia, the equipment
32 shall incorporate a thermal oxidizer and a reference
33 method for the measurement of ambient concentrations

34 of nitrogen dioxide that meet all calibrations,
35 standards, and testing requirements established by the
36 United States environmental protection agency.

37 b. The department shall not enforce a rule adopted
38 pursuant to this section based on data, if any of the
39 following apply to the collection of such data:

40 (1) The data is collected from a site other than a
41 separated location as provided in this section.

42 (2) The data collected exceeds the minimal risk
43 level or health effect level but is within the
44 monitoring equipment's margin of error as established
45 pursuant to rules which shall be adopted by the
46 commission.

47 (3) The monitoring equipment used to collect data
48 for hydrogen sulfide or ammonia does not meet the
49 specifications for such equipment as required by this
50 section or rules adopted by the commission.

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1 c. If the department determines that a violation
2 of a minimal risk level or health effect level exists,
3 the department shall conduct an investigation to trace
4 the source of the airborne pollutant after the
5 department has collected data measuring an airborne
6 pollutant from a separated location. The department
7 may enter the premises of a confinement feeding
8 operation in compliance with section 455B.103. The
9 department shall comply with standard biosecurity
10 requirements customarily required by the confinement
11 feeding operation that are necessary to control the
12 spread of disease among an animal population.

13 d. If the department determines that a violation
14 of a minimal risk level or health effect level is
15 caused by an airborne pollutant from a confinement
16 feeding operation structure, the department shall
17 issue a written notice to the owner of the confinement
18 feeding operation. The notice shall require that the
19 owner reduce the emission of the airborne pollutant to
20 meet the minimal risk level or health effect level.
21 The notice shall expire one year from the date of its
22 issuance. The owner shall not be in violation of
23 state law for failing to comply with the notice during
24 its effective period. If the department determines
25 that a violation of a minimal risk level or health
26 effect level is caused by an airborne pollutant from
27 the confinement feeding operation structure after the
28 notice has expired, the department may commence an
29 enforcement action as provided in this chapter.
30 However, the owner shall not be subject to an
31 enforcement action for the period that the
32 department's notice is in effect, and shall not be

33 subject to the imposition of penalties based on a
 34 violation during that period.
 35 7. The commission's rules providing for a minimal
 36 risk level or health effect level shall not exceed a
 37 standard or limitation applying to the same minimal
 38 risk level or health effect level pursuant to the
 39 requirements of the federal Clean Air Act as amended
 40 through January 1, 1991, or regulations promulgated by
 41 the United States environmental protection agency.
 42 This section shall supersede the commission's
 43 authority under section 455B.133."

DAVID JOHNSON

S-5150

1 Amend House File 686, 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 11.6, subsection 1, paragraph
 6 a, unnumbered paragraph 1, Code 2003, is amended to
 7 read as follows:
 8 The financial condition and transactions of all
 9 cities and city offices, counties, county hospitals
 10 organized under chapters 347 and 347A, memorial
 11 hospitals organized under chapter 37, entities
 12 organized under chapter 28E having gross receipts in
 13 excess of one hundred thousand dollars in a fiscal
 14 year, merged areas, area education agencies, and all
 15 school offices in school districts, shall be examined
 16 at least once each year, except that cities having a
 17 population of seven hundred or more but less than two
 18 thousand shall be examined at least once every four
 19 years, and cities having a population of less than
 20 seven hundred may be examined as otherwise provided in
 21 this section. However, a city having a population of
 22 less than two thousand shall be examined every other
 23 year for fiscal years ending on or after June 30,
 24 2004, if, pursuant to an urban renewal plan adopted by
 25 the city, the city had taxable valuation described in
 26 section 403.19, subsection 2, of one million or more
 27 dollars in one or both of the fiscal years.
 28 PARAGRAPH DIVIDED. The examination shall cover the
 29 fiscal year next preceding the year in which the audit
 30 is conducted. The examination of school offices shall
 31 include an audit of all school funds, the certified
 32 annual financial report, and the certified enrollment
 33 as provided in section 257.6. Differences in
 34 certified enrollment shall be reported to the
 35 department of management.
 36 Sec. 2. Section 331.434, subsection 1, Code 2003,

37 is amended by adding the following new unnumbered
38 paragraph:
39 NEW UNNUMBERED PARAGRAPH. A budget shall include a
40 statement containing all of the following:
41 The amounts certified by the county to the county
42 auditor pursuant to section 403.19, subsection 5, for
43 the following fiscal year.
44 A listing of urban renewal projects for which such
45 amounts were certified and the amounts to be expended
46 on each project.
47 Notification that the annual urban renewal report
48 completed pursuant to section 403.23 is available for
49 public inspection and reproduction at the county
50 auditor's office.

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1 Sec. 3. Section 384.16, subsection 1, Code 2003,
2 is amended by adding the following new unnumbered
3 paragraph:
4 NEW UNNUMBERED PARAGRAPH. A budget shall include a
5 statement containing all of the following:
6 The amounts certified by the city to the county
7 auditor pursuant to section 403.19, subsection 5, for
8 the following fiscal year.
9 A listing of urban renewal projects for which such
10 amounts were certified and the amounts to be expended
11 on each project.
12 Notification that the annual urban renewal report
13 completed pursuant to section 403.23 is available for
14 public inspection and reproduction at the county
15 auditor's office.
16 Sec. 4. NEW SECTION. 403.3A MUNICIPAL TAX
17 INCREMENT FINANCING POLICY.
18 1. Except as otherwise provided in subsection 2,
19 before a municipality adopts an urban renewal plan, a
20 municipality shall adopt a tax increment financing
21 policy. The policy shall describe the municipality's
22 plan for using revenue generated from a division of
23 revenue under section 403.19 for property located in
24 the area of operation of the municipality designated
25 as an urban renewal area. The policy shall contain,
26 but not be limited to, the following:
27 a. The designation of the urban renewal area and
28 the type of urban renewal projects for which the
29 municipality may pay revenues from the special fund in
30 section 403.19, subsection 2.
31 b. When an affected taxing entity will be
32 consulted, including when an urban renewal project is
33 identified and before revenue is obligated from the
34 special fund in section 403.19, subsection 2, to
35 finance the urban renewal project.

36 c. The geographic areas or the maximum amount of
37 taxable valuation associated with property for which a
38 division of revenue under section 403.19 may be
39 provided.

40 d. The circumstances under which tax revenues will
41 not be divided pursuant to section 403.19, and will
42 not be allocated to the special fund under section
43 403.19, subsection 2, and the circumstances under
44 which tax revenues will be paid into the funds for the
45 respective taxing districts in the same manner as
46 taxes on all other property.

47 e. All available public financing mechanisms for
48 urban renewal projects.

49 f. Restrictions the municipality will place on
50 urban renewal projects relating to a business which is

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1 or will be located in the area of operation of a
2 municipality if the business has closed or reduced its
3 operation in one area of the state and relocated
4 substantially the same operation into the area of
5 operation of the municipality.

6 g. Goals related to returns on investment for each
7 urban renewal project.

8 h. Job creation and capital investment
9 requirements associated with each urban renewal
10 project for which revenues may be obligated from the
11 special fund in section 403.19, subsection 2.

12 2. a. If a municipality does not have an urban
13 renewal plan in effect on the effective date of this
14 Act, the municipality shall not adopt an urban renewal
15 plan until a tax increment financing policy has been
16 adopted for the area of operation of the municipality.

17 b. If a municipality has an urban renewal plan in
18 effect on the effective date of this Act, the
19 municipality shall not, on or after January 1, 2005,
20 adopt another urban renewal plan, amend an urban
21 renewal plan to pledge revenues pursuant to a written
22 agreement for payment of new obligations payable from
23 the special fund in section 403.19, subsection 2,
24 unless the municipality has adopted a tax increment
25 financing policy for the area of operation of the
26 municipality.

27 c. A municipality and its representatives shall
28 act consistently with the municipality's tax increment
29 financing policy when applying this chapter.

30 3. a. A municipality shall mail a proposed tax
31 increment financing policy by regular mail to the
32 affected taxing entities no later than thirty-five
33 days prior to adoption of a tax increment financing
34 policy or an amendment to such a policy. The

35 municipality shall include with the proposed policy
36 notification of a consultation to be held between the
37 municipality and the affected taxing entities prior to
38 final adoption of the policy. Each affected taxing
39 entity may appoint a representative to attend the
40 consultation. The municipality and the affected
41 taxing entities shall negotiate in good faith to reach
42 an agreement on the policy. The affected taxing
43 entity may make written recommendations for
44 modification to the proposed policy no later than
45 fourteen days following the date of the consultation.
46 The municipality shall submit a written response to
47 the affected taxing entity addressing the
48 recommendations for modification to the proposed
49 policy.

50 b. After reaching an agreement with the

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1 municipality on the policy, the proposed policy may be
2 approved in final form by a resolution adopted by the
3 governing board of the affected taxing entity within
4 thirty days of receiving a copy of the proposed
5 policy. If a resolution approving the proposed policy
6 is received from each affected taxing entity, the
7 governing body of the municipality may proceed to
8 adopt the proposed policy.

9 c. If the municipality and the affected taxing
10 entity are unable to reach an agreement after
11 negotiating in good faith, or if one or more
12 resolutions rejecting the proposed policy is received,
13 or if the governing board of an affected taxing entity
14 takes no action, the municipality may adopt the
15 proposed policy after conducting a public hearing held
16 pursuant to this paragraph. The municipality shall
17 provide notice of the public hearing to the appointed
18 representative of each affected taxing entity. The
19 municipality shall also provide notice of the public
20 hearing in a newspaper of general circulation in the
21 area of operation of the municipality meeting the
22 requirements of section 618.14, not less than four nor
23 more than twenty days prior to the public hearing.
24 The notice shall include but not be limited to the
25 date, time, and place of hearing, the availability of
26 an opportunity to provide comment on the proposed tax
27 increment financing policy, and where the general
28 public may obtain a copy of the proposed policy and
29 where the policy, or a summary of the policy, will be
30 posted for public viewing.

31 4. Any amendments to a tax increment financing
32 policy shall be adopted by the same procedure as the
33 original policy as described in this section.

34 5. For purposes of this section only, “affected
35 taxing entity” means a county or school district if
36 the municipality is a city, and a school district if
37 the municipality is a county.

38 Sec. 5. Section 403.5, subsection 4, paragraph b,
39 subparagraph (1), subparagraph subdivision (b), Code
40 2003, is amended to read as follows:

41 (b) That conditions of slum or blight in the
42 municipality and the shortage of decent, safe and
43 sanitary housing cause or contribute to an increase in
44 and spread of disease and crime, so as to constitute a
45 menace to the public health, safety, morals, or
46 welfare.

47 Sec. 6. Section 403.5, subsections 5 and 6, Code
48 2003, are amended to read as follows:

49 5. An urban renewal plan may be ~~modified~~ amended
50 at any time: Provided, that if ~~modified~~ amended after

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1 the lease or sale by the municipality of real property
2 in the urban renewal project area, such ~~modification~~
3 amendment may be conditioned upon such approval of the
4 owner, lessee, or successor in interest as the
5 municipality may deem advisable, and in any event such
6 ~~modification~~ amendment shall be subject to such right
7 at law or in equity as a lessee or purchaser, or a
8 lessee’s or purchaser’s successor or successors in
9 interest, may be entitled to assert.

10 PARAGRAPH DIVIDED. The Territory may be added to,
11 or severed from, an urban renewal area only by an
12 amendment to the urban renewal plan. When amending an
13 urban renewal plan, the municipality shall comply with
14 the notification and consultation process provided in
15 this section prior to the approval of any amendment ~~or~~
16 ~~modification~~ amendment to an adopted urban renewal plan if such
17 amendment ~~or modification~~ provides for refunding bonds
18 or refinancing resulting in an increase in debt
19 service or provides for the issuance of bonds or other
20 indebtedness, to be funded primarily in the manner
21 provided in section 403.19, or if such amendment
22 proposes to add territory to an urban renewal area or
23 proposes to sever territory from an urban renewal
24 area.

25 6. Upon the approval by a municipality of an urban
26 renewal plan or of any ~~modification thereof~~ amendment
27 to an urban renewal plan, such plan or ~~modification~~
28 amendment shall be deemed to be in full force and
29 effect for the respective urban renewal area, and the
30 municipality may then cause such plan or ~~modification~~
31 amendment to be carried out in accordance with its
32 terms. No later than fourteen days before the

33 governing body of the municipality takes action on a
34 proposed project, the municipality shall notify
35 affected taxing entities of the proposed project and
36 the amount of tax increment financing the project is
37 estimated to receive.

38 Sec. 7. Section 403.5, Code 2003, is amended by
39 adding the following new subsections:

40 NEW SUBSECTION. 8. An urban renewal area
41 designated as a slum or blighted area and established
42 before the effective date of this Act is limited to
43 twenty years in duration counting from the effective
44 date of this Act. An urban renewal area designated as
45 a slum or blighted area established on or after the
46 effective date of this Act is limited in duration to
47 twenty years counting from July 1 of the first fiscal
48 year in which the municipality receives moneys from a
49 division of revenue pursuant to section 403.19. An
50 amendment to an urban renewal plan shall not result in

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1 an extension of the durational limitation imposed in
2 this subsection.

3 NEW SUBSECTION. 9. An urban renewal area
4 designated as an economic development area shall be
5 limited in duration to twenty years counting from July
6 1 of the first fiscal year in which the municipality
7 receives moneys from a division of revenue pursuant to
8 section 403.19. An amendment to an urban renewal plan
9 shall not result in an extension of the durational
10 limitation imposed in this subsection.

11 Sec. 8. Section 403.6, subsection 6, unnumbered
12 paragraph 1, Code Supplement 2003, is amended to read
13 as follows:

14 Within its area of operation, to make or have made
15 all surveys and planning necessary to the carrying out
16 of the purposes of this chapter, and to contract with
17 any person in making and carrying out of such
18 planning, and to adopt or approve, ~~modify~~ and amend
19 such planning. Such planning may include, without
20 limitation:

21 Sec. 9. Section 403.6, subsection 6, paragraph b,
22 Code Supplement 2003, is amended to read as follows:

23 b. Urban renewal plans adopted, or amended,
24 pursuant to the requirements of section 403.5;

25 Sec. 10. Section 403.6, subsection 12, Code
26 Supplement 2003, is amended to read as follows:

27 12. To approve and amend urban renewal plans,
28 subject to the requirements of section 403.5.

29 Sec. 11. Section 403.14, subsection 2, paragraph
30 b, Code 2003, is amended to read as follows:

31 b. The power to approve urban renewal plans and

32 ~~modifications~~ amendments thereof;

33 Sec. 12. Section 403.17, subsection 10, Code 2003,
34 is amended to read as follows:

35 10. "Economic development area" means an area of a
36 municipality designated by the local governing body as
37 appropriate for commercial and industrial enterprises,
38 public improvements related to housing and residential
39 development, or construction of housing and
40 residential development for low and moderate income
41 families, including single or multifamily housing. ~~If~~
42 ~~an urban renewal plan for an urban renewal area is~~
43 ~~based upon a finding that the area is an economic~~
44 ~~development area and that no part contains slum or~~
45 ~~blighted conditions, then the division of revenue~~
46 ~~provided in section 403.19 and stated in the plan~~
47 ~~shall be limited to twenty years from the calendar~~
48 ~~year following the calendar year in which the~~
49 ~~municipality first certifies to the county auditor the~~
50 ~~amount of any loans, advances, indebtedness, or bonds~~

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1 ~~which qualify for payment from the division of revenue~~
2 ~~provided in section 403.19.~~ Such designated area
3 shall not include agricultural land, including land
4 which is part of a century farm, unless the owner of
5 the agricultural land or century farm agrees to
6 include the agricultural land or century farm in the
7 urban renewal area. For the purposes of this
8 subsection, "century farm" means a farm in which at
9 least forty acres of such farm have been held in
10 continuous ownership by the same family for one
11 hundred years or more.

12 Sec. 13. Section 403.17, Code 2003, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 12A. "Indebtedness" includes, but
15 is not limited to, a written agreement to suspend,
16 abate, exempt, rebate, refund, or reimburse property
17 taxes or to provide a grant for property taxes paid.

18 Sec. 14. Section 403.17, subsection 25, Code 2003,
19 is amended by adding the following new unnumbered
20 paragraph:

21 NEW UNNUMBERED PARAGRAPH. An urban renewal project
22 located in an urban renewal area designated as an
23 economic development area shall not include the
24 construction, expansion, or maintenance of a
25 government building, including, but not limited to, a
26 city hall, city or county offices, fire station, law
27 enforcement building, city or county administration
28 building, prison, jail, correctional institution, road
29 maintenance building or storage facility, library, or
30 community center.

31 Sec. 15. Section 403.19, subsection 1, paragraph
32 b, Code 2003, is amended to read as follows:

33 b. For the purpose of allocating taxes levied by
34 or for any taxing district which did not include the
35 territory in an urban renewal area on the effective
36 date of the ordinance or initial adoption of the plan,
37 but to which the territory has been annexed or
38 otherwise included after the effective date, the
39 assessment roll applicable to property in the annexed
40 territory as of January 1 of the calendar year
41 preceding the effective date of the amendment of the
42 ordinance, which amends the plan to include the
43 annexed area, shall be used in determining the
44 assessed valuation of the taxable property in the
45 annexed area.

46 Sec. 16. Section 403.19, subsection 2, Code 2003,
47 is amended to read as follows:

48 2. That portion of the taxes each year in excess
49 of such amount shall be allocated to and when
50 collected be paid into a special fund of the

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1 municipality to pay the principal of and interest on
2 loans, moneys advanced to, or indebtedness, whether
3 funded, refunded, assumed, or otherwise, including
4 bonds issued under the authority of section 403.9,
5 subsection 1, incurred by the municipality to finance
6 or refinance, in whole or in part, an urban renewal
7 project within the area, and to provide assistance for
8 low and moderate income family housing as provided in
9 section 403.22, ~~except that.~~ However, taxes for the
10 regular and voter-approved physical plant and
11 equipment levy of a school district imposed pursuant
12 to section 298.2, ~~and~~ taxes for the payment of bonds
13 and interest of each taxing district ~~must, and the~~
14 foundation property tax imposed pursuant to section
15 257.3, subsection 1, but only as provided in
16 subsection 8, shall be collected against all taxable
17 property within the taxing district without limitation
18 by the provisions of this subsection. ~~However~~ In
19 addition, all or a portion of the taxes for the
20 physical plant and equipment levy shall be paid by the
21 school district to the municipality if the auditor
22 certifies to the school district by July 1 the amount
23 of such levy that is necessary to pay the principal
24 and interest on bonds issued by the municipality to
25 finance an urban renewal project, which bonds were
26 issued before July 1, 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. 17. Section 403.19, Code 2003, is amended by
 49 adding the following new subsection:
 50 NEW SUBSECTION. 3A. When all loans, advances,

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1 indebtedness, and bonds, if any, and interest thereon,
 2 have been paid, revenues from taxes levied on taxable
 3 property in an urban renewal area shall not be divided
 4 pursuant to this section and shall not be deposited in
 5 the special fund under subsection 2, but shall be paid
 6 to the respective taxing districts in the same manner
 7 as taxes on all other property.
 8 Sec. 18. Section 403.19, subsection 5, Code 2003,
 9 is amended to read as follows:
 10 5. A municipality shall certify to the county
 11 auditor on or before December 1 of each year the
 12 amount of loans, advances, indebtedness, or bonds
 13 which qualify for payment during the fiscal year
 14 beginning in the following calendar year from the
 15 special fund referred to in subsection 2, and the
 16 filing of the certificate shall make it a duty of the
 17 auditor to provide for the division of taxes in ~~each~~
 18 subsequent the amount certified for the fiscal year
 19 until the amount of the loans, advances, indebtedness,
 20 or bonds is paid to the special fund beginning in the
 21 following calendar year. The municipality shall
 22 include in the certification the total amount, as of
 23 December 1, of loans, advances, indebtedness, or bonds
 24 which qualifies for payment from the special fund.
 25 The municipality shall not include in the
 26 certification any amount that is not pledged to be
 27 paid under subsection 3, pursuant to a written
 28 agreement, for a specific urban renewal project. In

29 any year, the county auditor shall, upon receipt of a
 30 certified request from a municipality filed on or
 31 before December 1, increase the amount to be allocated
 32 under subsection 1 in order to reduce the amount to be
 33 allocated in the following fiscal year to the special
 34 fund, to the extent that the municipality does not
 35 request allocation to the special fund of the full
 36 portion of taxes which could be collected and to the
 37 extent that the request is consistent with the amount
 38 certified for the fiscal year. Upon receipt of a
 39 certificate from a municipality, the auditor shall
 40 mail a copy of the certificate to each affected taxing
 41 district.

42 Sec. 19. Section 403.19, Code 2003, is amended by
 43 adding the following new subsection:
 44 NEW SUBSECTION. 8. For urban renewal plans
 45 adopted on or after the effective date of this Act,
 46 taxes collected under subsection 2 shall not include
 47 the foundation property tax imposed pursuant to
 48 section 257.3, subsection 1.

49 For urban renewal plans adopted before the
 50 effective date of this Act, taxes collected under

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1 subsection 2 shall not include the foundation property
 2 tax imposed pursuant to section 257.3, subsection 1,
 3 for fiscal years beginning on or after July 1, 2014.

4 Sec. 20. Section 403.20, Code Supplement 2003, is
 5 amended to read as follows:
 6 403.20 PERCENTAGE OF ADJUSTMENT CONSIDERED IN
 7 VALUE ASSESSMENT.

8 1. ~~In~~ Except as otherwise provided in subsection
 9 2, in determining the assessed value of property
 10 within an urban renewal area which is subject to a
 11 division of tax revenues pursuant to section 403.19,
 12 the difference between the actual value of the
 13 property as determined by the assessor each year and
 14 the percentage of adjustment certified for that year
 15 by the director of revenue on or before November 1
 16 pursuant to section 441.21, subsection 9, multiplied
 17 by the actual value of the property as determined by
 18 the assessor, shall be subtracted from the actual
 19 value of the property as determined pursuant to
 20 section 403.19, subsection 1. If the assessed value
 21 of the property as determined pursuant to section
 22 403.19, subsection 1, is reduced to zero, the
 23 additional valuation reduction shall be subtracted
 24 from the actual value of the property as determined by
 25 the assessor.

26 2. This subsection applies to urban renewal areas
 27 established pursuant to an urban renewal plan adopted

28 on or after July 1, 2005, and any amendments thereto,
 29 and to territory amended into an urban renewal area
 30 established pursuant to an urban renewal plan adopted
 31 before July 1, 2005, if such amendment adding
 32 territory was adopted on or after July 1, 2005. In
 33 determining the assessed value of property within an
 34 urban renewal area which is subject to a division of
 35 tax revenues pursuant to section 403.19, the
 36 difference between the actual value of the property as
 37 determined by the assessor each year and the
 38 percentage of adjustment certified for that year by
 39 the director of revenue on or before November 1
 40 pursuant to section 441.21, subsection 9, multiplied
 41 by the actual value of the property as determined by
 42 the assessor, shall be subtracted from the actual
 43 value of the property in the ratio that the amount of
 44 the property value as determined pursuant to section
 45 403.19, subsection 1, bears to the total value of the
 46 property, and in the ratio that the amount of the
 47 property value as determined in section 403.19,
 48 subsection 2, bears to the total value of the
 49 property. If the assessed value of the property as
 50 determined pursuant to section 403.19, subsection 1,

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1 is reduced to zero, the additional valuation reduction
 2 shall be subtracted from the actual value of the
 3 property as determined in section 403.19, subsection
 4 2.

5 Sec. 21. Section 403.23, subsection 1, Code
 6 Supplement 2003, is amended by striking the subsection
 7 and inserting in lieu thereof the following:

8 1. On or before December 1 of each calendar year,
 9 the municipality shall submit a financial report
 10 containing the information required in section 403.15,
 11 subsection 5, for the most recently ended fiscal year
 12 to the department of management and to the county
 13 auditor of the county in which the municipality is
 14 located. In addition to the information contained in
 15 the report, the municipality shall provide the
 16 following information annually to the department and
 17 to the county auditor for the most recently ended
 18 fiscal year:

19 a. A description of each urban renewal area
 20 including but not limited to the following:

21 (1) Whether a tax increment financing policy has
 22 been adopted for the municipality as required by
 23 section 403.3A, and whether an urban renewal policy
 24 has been adopted for the municipality and the date
 25 each such policy was finally adopted by the governing
 26 body of the municipality.

- 27 (2) The geographical location of the urban renewal
28 area, the school district in which the urban renewal
29 area is located, and the size, in acres, of the urban
30 renewal area.
- 31 (3) The designation under which the urban renewal
32 area was established.
- 33 (4) The establishment date of the urban renewal
34 area and the date that the urban renewal area, or the
35 plan for the area, is set to expire.
- 36 (5) The fiscal year that revenues were first
37 divided under section 403.19.
- 38 (6) A summary of any amendments to the urban
39 renewal plan which amendments were adopted during the
40 fiscal year for which the report is being prepared.
- 41 b. A listing and description of each urban renewal
42 project within each urban renewal area. The
43 description shall include but not be limited to the
44 following:
- 45 (1) A list of the projects that involve
46 construction of, or improvements to, low and moderate
47 income housing and the amount of incremental funding
48 expended for such projects in the fiscal year for
49 which the report is being prepared.
- 50 (2) The date that the municipality first certified

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- 1 to the county auditor the amount of any loans,
2 advances, indebtedness, or bonds which qualifies for
3 payment from the division of revenue provided in
4 section 403.19 for the urban renewal project.
- 5 (3) A description of the use for the incremental
6 funding expended for the project in the fiscal year
7 for which the report is being prepared.
- 8 (4) The type, duration, total amount, and payment
9 schedule of obligations pledged under section 403.19,
10 subsection 3, pursuant to a written agreement, for the
11 fiscal year for which the report is being prepared and
12 the retirement date for those obligations.
- 13 (5) The amount of revenue allocated and paid
14 pursuant to section 403.19, subsection 2, that will be
15 used to satisfy the obligations pledged under section
16 403.19, subsection 3, pursuant to a written agreement,
17 for the fiscal year commencing the following July 1.
- 18 (6) The total amount of the obligation for payment
19 on loans, advances, bonds issued under the authority
20 of section 403.9, subsection 1, or section 403.12,
21 subsection 5, or indebtedness incurred by a
22 municipality to finance or refinance, in whole or in
23 part, the urban renewal project within the area for
24 the fiscal year for which the report is being
25 prepared.

26 (7) The number of jobs retained, new jobs created,
 27 and the total payroll for jobs retained and created
 28 for each urban renewal project in the fiscal year for
 29 which the report is being prepared.

30 (8) The amount of new capital investment in the
 31 urban renewal area for each urban renewal project in
 32 the fiscal year for which the report is being
 33 prepared.

34 c. For each urban renewal area, the following:

35 (1) The total amount of assessed valuation of
 36 taxable property located in the urban renewal area for
 37 the assessment year beginning January 1 of the
 38 calendar year prior to the calendar year in which the
 39 most recently ended fiscal year commences.

40 (2) The base valuation of the urban renewal area
 41 in the assessment year that the base valuation was
 42 established and designated pursuant to section 403.19,
 43 subsection 1, for purposes of dividing revenue.

44 (3) The base valuation and the incremental
 45 valuation for the assessment year beginning January 1
 46 of the calendar year prior to the calendar year in
 47 which the most recently ended fiscal year commences
 48 and the portion of those valuations that are
 49 classified as residential property.

50 (4) The portion of incremental valuation used for

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1 urban renewal purposes and the portion released to the
 2 respective taxing districts for the fiscal year for
 3 which the report is being prepared.

4 (5) The amount of revenue allocated and paid
 5 pursuant to a division of revenue under section
 6 403.19, subsections 1 and 2, for each urban renewal
 7 area for the fiscal year for which the report is being
 8 prepared.

9 (6) The amount of total revenue allocated and paid
 10 pursuant to section 403.19, subsection 2, which has
 11 been irrevocably pledged pursuant to section 403.19,
 12 subsection 3, including, but not limited to, the
 13 amount pledged for the payment of bonds issued under
 14 the authority of section 403.9, subsection 1, and
 15 section 403.12, subsection 5, for each urban renewal
 16 area for the fiscal year for which the report is being
 17 prepared.

18 (7) The total amount of revenue that was collected
 19 pursuant to section 403.19, subsection 2, and paid
 20 into the funds for the respective taxing districts in
 21 the same manner as taxes on all other property for the
 22 fiscal year for which the report is being prepared.

23 (8) The total amount of revenue held in reserve or
 24 sinking funds, or any such funds not required for

25 immediate disbursement pursuant to section 403.6,
 26 subsection 4, for the fiscal year for which the report
 27 is being prepared and the planned use of such funds.

28 Sec. 22. Section 403.23, subsection 2, Code
 29 Supplement 2003, is amended to read as follows:

30 2. a. The department of management shall compile
 31 the information in the reports into one report for the
 32 entire state. The compilation shall include the
 33 population of the municipality and the county in which
 34 the municipality is located if the municipality is a
 35 city.

36 b. At the request of the legislative services
 37 agency, the department of management shall provide to
 38 the legislative services agency the compiled report,
 39 the individual reports submitted by each municipality,
 40 and such additional information ~~to~~ as requested by the
 41 legislative services agency. The department of
 42 management, in consultation with the legislative
 43 services agency, ~~shall determine reporting criteria~~
 44 ~~and~~ shall prepare a form for reports filed with the
 45 department pursuant to this section. The department
 46 shall make the form available by electronic means.
 47 Sec. 23. EFFECTIVE AND APPLICABILITY DATES. This
 48 Act, being deemed of immediate importance, takes
 49 effect upon enactment and applies to urban renewal
 50 areas and urban renewal projects established, and

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- 1 urban renewal plans adopted, before, on, or after the
- 2 effective date of this Act.”

BRYAN J. SIEVERS

S-5151

- 1 Amend House File 2259, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 1, by striking lines 23 through 26, and
- 4 inserting the following:
- 5 “Iowa law prohibits the sale or purchase of more
- 6 than two packages containing pseudoephedrine as the
- 7 sole active ingredient.”
- 8 2. Page 2, by striking lines 18 through 20 and
- 9 inserting the following:
- 10 “9. This section shall not apply to the following:
- 11 a. Any package of a product containing
- 12 pseudoephedrine as the product’s sole active
- 13 ingredient which is in liquid form.
- 14 b. Any package of a product containing
- 15 pseudoephedrine as the product’s sole active
- 16 ingredient which is primarily intended for

17 administration to children under twelve years of age
 18 according to the label, regardless of whether the
 19 product is in liquid or solid form.
 20 c. Any package of a product containing
 21 pseudoephedrine as the product's sole active
 22 ingredient that the board of pharmacy examiners, with
 23 the concurrence of the department of public safety,
 24 upon application of a manufacturer, exempts from this
 25 section because the product is formulated to
 26 effectively prevent conversion of the active
 27 ingredient into methamphetamine or its salts or
 28 precursors. The board of pharmacy examiners, with the
 29 concurrence of the department of public safety, shall
 30 adopt rules pursuant to chapter 17A to administer this
 31 paragraph."

COMMITTEE ON JUDICIARY
 DONALD B. REDFERN, Chair

S-5152

- 1 Amend Senate File 2298 as follows:
 2 1. By striking page 39, line 35, through page 40,
 3 line 4.
 4 2. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5153

- 1 Amend House File 2269, as passed by the House, as
 2 follows:
 3 1. By striking page 1, line 27, through page 2,
 4 line 2.
 5 2. By renumbering as necessary.

COMMITTEE ON COMMERCE
 JERRY BEHN, Chair

S-5154

- 1 Amend House File 2434, as passed by the House, as
 2 follows:
 3 1. Page 16, line 23, by striking the word
 4 "twenty-seven" and inserting the following: "fifty-
 5 nine".
 6 2. Page 17, by striking lines 22 through 29.
 7 3. Page 17, line 30, by striking the word "g."
 8 and inserting the following: "f.".

9 4. Page 17, line 31, by striking the word “f”
10 and inserting the following: “e”.

COMMITTEE ON COMMERCE
JERRY BEHN, Chair

S-5155

1 Amend House File 2243, as passed by the House, as
2 follows:
3 1. Page 1, by striking lines 1 through 21 and
4 inserting the following:
5 “Section 1. NEW SECTION. 101.14 USER
6 RESPONSIBILITY.
7 1. In any action or claim seeking damages for
8 personal injuries or damage to property arising out of
9 injuries or loss due to defects in a liquefied
10 petroleum gas system, or arising out of the condition
11 of any portion of that system, the negligence or other
12 fault of the customer, owner, or other person in
13 possession of or making use of that system relating to
14 the installation, modification, maintenance, or repair
15 of the system or damage incurred to the system, shall
16 be, pursuant to chapter 668, admissible in evidence
17 and considered by the finder of fact as to whether
18 such negligence or other fault was the cause in fact
19 of the accident or condition leading to the injuries
20 or damages.”
21 2. Page 1, line 22, by striking the figure “4.”
22 and inserting the following: “2.”
23 3. Page 1, lines 23 and 24, by striking the words
24 “more than twenty pounds of”.
25 4. Title page, by striking lines 1 through 4 and
26 inserting the following: “An Act regarding user
27 responsibility and liability with respect to liquefied
28 petroleum gas systems.”

COMMITTEE ON COMMERCE
JERRY BEHN, Chair

S-5156

1 Amend House File 2489, as passed by the House, as
2 follows:
3 1. Page 20, by inserting after line 25, the
4 following:
5 “Sec. . NEW SECTION. 514A.3A REFUND OF
6 UNEARNED PREMIUM UPON DEATH OF INSURED.
7 In the event of the death of the insured of any
8 policy covered by this chapter, the insurer, upon
9 receipt of notice of the insured’s death supported by
10 a certified copy of a valid death certificate and a

11 request for a pro rata refund by a party entitled to
 12 claim such a refund, shall refund the unearned premium
 13 prorated to the month of the insured's death. Refund
 14 of the premium and termination of the coverage shall
 15 be without prejudice to any claim originating prior to
 16 the date of the insured's death. The commissioner of
 17 insurance shall adopt by rule the minimum amount
 18 required for issuance of a refund."

19 2. Title page, line 7, by inserting after the
 20 word "association;" the following: "refunds of
 21 unearned premium;"

COMMITTEE ON COMMERCE
 JERRY BEHN, Chair

S-5157

1 Amend House File 2484, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 39, by inserting before line 28 the
 4 following:

5 "DIVISION V

6 DELAYED DEPOSIT SERVICES

7 Sec. ____ Section 533D.9, Code 2003, is amended to
 8 read as follows:

9 533D.9 FEE RESTRICTION — REQUIRED DISCLOSURE.

10 1. A licensee shall not charge, contract for, or
 11 directly or indirectly receive any interest, fees, or
 12 charges, except those specifically authorized by this
 13 section:

14 a. TRANSACTION FEE. A licensee shall not charge a
 15 fee in excess of fifteen five one ~~on the first one~~
 16 per hundred dollars on the face amount of a check or
 17 ~~more than ten dollars on subsequent one hundred dollar~~
 18 ~~increments on the face amount of the check for~~
 19 ~~services provided by the licensee, or pro rata for any~~
 20 ~~portion of one hundred dollars face value~~ the amount
 21 financed. However, the licensee may receive a minimum
 22 charge of five dollars when the amount financed
 23 exceeds seventy-five dollars, or three dollars and
 24 fifty cents when the amount financed exceeds fifty
 25 dollars.

26 b. DEFAULT FEE. If the check is not negotiable on
 27 the date agreed upon, a licensee may charge a default
 28 fee, not to exceed fifteen dollars. Only one such fee
 29 may be collected with respect to a check even if it
 30 has been redeposited and returned more than once, no
 31 matter how long the check remains unpaid. A fee
 32 charged pursuant to this section is a licensee's
 33 exclusive remedy and charge for late payment or
 34 nonpayment.

35 2. A licensee shall give to the maker of the

36 check, at the time any delayed deposit service
 37 transaction is made, or if there are two or more
 38 makers, to one of them, notice written in clear,
 39 understandable language disclosing all of the
 40 following:

- 41 a. The transaction fee to be charged ~~for the~~
 42 ~~transaction.~~
- 43 b. The annual percentage rate on the ~~first hundred~~
 44 ~~dollars on the face amount of the check which the fee~~
 45 ~~represents, and the annual percentage rate on~~
 46 ~~subsequent one hundred dollar increments which the fee~~
 47 ~~represents, if different~~ transaction.
- 48 c. The date on which the check will be deposited
 49 or presented for negotiation.
- 50 d. ~~Any penalty, not to exceed fifteen dollars,~~

Page 2

1 ~~which~~ The default fee that the licensee will charge if
 2 the check is not negotiable on the date agreed upon.
 3 ~~A penalty~~ The notice shall state that the default fee
 4 to be charged pursuant to this section shall only be
 5 collected by the licensee once on a check no matter
 6 how long the check remains unpaid. ~~A penalty; and~~
 7 ~~that a default fee~~ to be charged pursuant to this
 8 section is a licensee's exclusive remedy and if a
 9 licensee charges a ~~penalty~~ default fee pursuant to
 10 this section no other penalties under this chapter or
 11 any other provision apply.

12 3. In addition to the notice required by
 13 subsection 2, every licensee shall conspicuously
 14 display a schedule of all fees, charges, and penalties
 15 for all services provided by the licensee authorized
 16 by this section. The notice shall be posted at the
 17 office and every branch office of the licensee. The
 18 licensee shall provide a written schedule of the fees,
 19 charges, interest rates, and penalties upon request.

20 4. The licensee shall make all notices and
 21 disclosures required under this section available in
 22 the languages spoken by consumers who frequent that
 23 location.

24 Sec. ____. Section 533D.10, Code 2003, is amended
 25 to read as follows:

26 533D.10 PROHIBITED ACTS BY LICENSEE.

- 27 1. A licensee shall not do any of the following:
 - 28 a. Hold from any one maker more than ~~two checks~~
 29 one check at any one time.
 - 30 b. Hold from any one maker a check ~~or checks in an~~
 31 ~~aggregate face amount~~ of more than ~~five~~ three hundred
 32 dollars at any one time.
 - 33 c. Hold or agree to hold a check for ~~more~~ less
 34 than ~~thirty one~~ thirty days.

35 d. Require the maker to receive payment by a
 36 method ~~which~~ that causes the maker to pay additional
 37 or further fees and charges to the licensee or another
 38 person.
 39 e. Repay, refinance, or otherwise consolidate a
 40 postdated check transaction with the proceeds of
 41 another postdated check transaction made by the same
 42 licensee.
 43 f. Receive any other charges or fees in addition
 44 to the fees listed in section 533D.9, ~~subsections~~
 45 subsection 1 and 2.
 46 g. The termination of a delayed deposit
 47 transaction either through the payment of the
 48 consumer's check by the drawee bank, through the
 49 return of the check to a consumer who redeems it for
 50 consideration, through expiration of the check's

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1 maturity date, or through any other method of
 2 termination. The licensee shall not enter into
 3 another delayed deposit transaction with the same
 4 consumer for at least two days after the termination
 5 of a delayed deposit transaction either through the
 6 payment of the consumer's check by the drawee bank,
 7 through the return of the check to a consumer who
 8 redeems it for consideration, through expiration of
 9 the check's maturity date, or through any other method
 10 of termination. However, the licensee may extend the
 11 term of the loan without charge.
 12 2. For purposes of this section, "licensee"
 13 includes a person related to the licensee by common
 14 ownership or control, a person in whom the licensee
 15 has any financial interest, or any employee or agent
 16 of the licensee."
 17 2. Title page, line 2, by inserting after the
 18 word "unions," the following: "delayed deposit
 19 services,".

JOE BOLKCOM
 THOMAS G. COURTNEY
 ROGER STEWART
 HERMAN C. QUIRMBACH

S-5158

1 Amend Senate File 2298 as follows:
 2 1. Page 131, by inserting after line 11, the
 3 following:
 4 "Sec. ____ NEW SECTION. 217.45 FAITH-BASED AND
 5 COMMUNITY-BASED ORGANIZATIONS NETWORK.
 6 1. A statewide, nonprofit agency that receives a

7 subgrant to assist faith-based and community-based
8 organizations to develop coalitions and partnerships
9 shall be designated as the central office for faith-
10 based and community-based initiatives.

11 2. The department shall designate one department
12 employee in each of the service areas to act as a
13 liaison to faith-based and community-based
14 organizations in the service area.

15 3. The primary functions of a liaison for a
16 service area under this section are as follows:

17 a. To communicate with faith-based and community-
18 based organizations regarding the need for private
19 community services to benefit persons in need of
20 assistance who would otherwise require financial or
21 other assistance under public programs administered by
22 state or local government.

23 b. To promote the involvement of faith-based and
24 community-based organizations in working to meet
25 community needs for assistance.

26 c. To coordinate efforts to promote involvement of
27 faith-based and community-based organizations in
28 providing community services with efforts similar to
29 those of state agencies.

30 d. To promote cooperation and coordination among
31 public agencies and faith-based and community-based
32 organizations.

33 e. To provide technical assistance to faith-based
34 and community-based organizations in writing grant
35 applications, training, mentoring, financial
36 management, and obtaining not-for-profit designations.

37 4. The department shall submit a report annually
38 by January 15 to the governor and the general assembly
39 regarding the activities of the faith-based and
40 community-based organizations network provided for in
41 this section.”

42 2. By renumbering as necessary.

KEN VEENSTRA

S-5159

1 Amend the amendment, S-5120, to Senate Resolution
2 123, as follows:

3 1. Page 1, line 5, by striking the words “new
4 century”.

5 2. Page 1, line 29, by striking the words “new
6 century”.

7 3. Page 1, line 31, by striking the words “new
8 century”.

9 4. Page 3, lines 42 and 43, by striking the words
10 "new century".

JERRY BEHN

S-5160

1 Amend House File 2460, 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. 282.9 ENROLLMENT OF
6 PERSON LISTED ON REGISTRY.
7 1. Notwithstanding sections 275.55A, 256F.4, and
8 282.18, or any other provision to the contrary, prior
9 to knowingly enrolling an individual who is required
10 to register as a sex offender under chapter 692A, but
11 who is otherwise eligible to enroll in a public
12 school, the board of directors of a school district
13 shall determine the educational placement of the
14 individual. Upon receipt of notice that a student who
15 is enrolled in the district is required to register as
16 a sex offender under chapter 692A, the board shall
17 determine the educational placement of the student.
18 The tentative agenda for the meeting of the board of
19 directors at which the board will consider such
20 enrollment or educational placement shall specifically
21 state that the board is considering the enrollment or
22 educational placement of an individual who is required
23 to register as a sex offender under chapter 692A. If
24 the individual is denied enrollment in a school
25 district under this section, the school district of
26 residence shall provide the individual with
27 educational services in an alternative setting.
28 2. Notwithstanding section 692A.13, or any other
29 provision of law to the contrary, the county sheriff
30 shall provide to the boards of directors of the school
31 districts located within the county the name of any
32 individual under the age of twenty-one who is required
33 to register as a sex offender under chapter 692A."

BOB BRUNKHORST
DARYL BEALL
KEITH A. KREIMAN

S-5161

1 Amend the amendment, S-5094, to House File 2134, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 1, by striking lines 6 through 11.
5 2. Page 1, by striking lines 15 through 20.

6 3. Page 1, by inserting after line 20 the
7 following:
8 “____. Page 4, by inserting after line 25 the
9 following:
10 “Sec. ____ WAIVER PAYMENT SLOTS. The department
11 of human services shall provide an opportunity for
12 counties to request an expansion of the county’s home
13 and community-based waiver payment slots under the
14 medical assistance program in order to add slots to
15 address the changes in the definition of “residential
16 care facility” under chapter 135C made by this Act.
17 Any expansion in the number of waiver payment slots as
18 described in this section shall be implemented on July
19 1, 2004, or the date authorized in the federal
20 approval of the expansion of the waiver slots,
21 whichever is later.””

MAGGIE TINSMAN

S-5162

1 Amend Senate File 2288 as follows:
2 1. Page 2, by inserting after line 18 the
3 following:
4 “d. Of the amount allocated to eligible services
5 providers under paragraph “c”, 70 percent shall be
6 distributed to the state’s accredited community mental
7 health centers established or designated by counties
8 in accordance with law or administrative rule. If a
9 county has not established or designated a community
10 mental health center and has received a waiver from
11 the mental health and developmental disabilities
12 commission, the mental health services provider
13 designated by that county is eligible to receive
14 funding distributed pursuant to this paragraph in lieu
15 of a community mental health center. The funding
16 distributed shall be used by recipients of the funding
17 for the purpose of developing and providing evidence-
18 based practices and emergency services to adults with
19 a serious mental illness and children with a serious
20 emotional disturbance. The distribution amounts shall
21 be announced at the beginning of the federal fiscal
22 year and distributed on a quarterly basis according to
23 the formulas used in previous fiscal years.
24 Recipients shall submit quarterly reports containing
25 data consistent with the performance measures approved
26 by the federal substance abuse and mental health
27 services administration.”

JAMES A. SEYMOUR

S-5163

- 1 Amend House File 2497, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, line 2, by striking the word and
 4 figure "May 1" and inserting the following: "May 21".
- 5 2. Page 2, line 16, by striking the word and
 6 figures "July 2, 2004" and inserting the following:
 7 "the date the eligible employee separates from
 8 employment as provided in this section".
- 9 3. Page 2, lines 17 and 18, by striking the words
 10 and figures "by July 2, 2004" and inserting the
 11 following: "on or after July 2, 2004, but no later
 12 than August 12, 2004".
- 13 4. Page 2, line 20, by striking the words and
 14 figures "by July 2, 2004" and inserting the following:
 15 "on or after July 2, 2004, but no later than August
 16 12, 2004".
- 17 5. Page 3, by inserting after line 25 the
 18 following:
 19 "5. The legislative council shall provide an
 20 incentive program for employees of the legislative
 21 branch consistent with the program provided in this
 22 section for executive branch employees. The
 23 legislative council shall collaborate with the
 24 department of administrative services to establish the
 25 program as required under this subsection as nearly
 26 identical as possible to the program provided
 27 executive branch employees under this section. The
 28 program provided pursuant to this subsection shall
 29 establish the same guidelines used to establish an
 30 eligible employee and benefit calculations as provided
 31 under the program for executive branch employees."
 32 6. By renumbering as necessary.

COMMITTEE ON STATE GOVERNMENT
 MARK ZIEMAN, Chair

S-5164

- 1 Amend House File 2527, as passed by the House, as
 2 follows:
- 3 1. Page 1, by striking lines 6 through 13, and
 4 inserting the following: "parent by the state
 5 registrar. The mailing of a certified copy of the
 6 certificate to a biological parent shall not be
 7 precluded by the execution of a release of custody
 8 under chapter 600A, and, upon request, a biological
 9 parent shall be provided with a certified copy of the
 10 certificate unless the parental rights of the
 11 biological parent are terminated."
- 12 2. Page 1, by inserting before line 14, the

13 following:

14 “Sec. 2. Section 600A.9, subsection 4, Code 2003,
15 is amended by adding the following new paragraph:
16 NEW PARAGRAPH. e. The state registrar for the
17 purposes of section 144.13A, subsection 2.”

KEITH A. KREIMAN

S-5165

1 Amend House File 2515, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. Section 170.3, subsection 1, Code
6 Supplement 2003, is amended to read as follows:

7 1. Farm deer are livestock as provided in this
8 title and are principally subject to regulation by the
9 department of agriculture and land stewardship, and
10 also the department of natural resources as
11 specifically provided in this chapter. The
12 regulations adopted by the department of agriculture
13 and land stewardship may include but are not limited
14 to providing for the importation, transportation, and
15 disease control of farm deer. The department of
16 agriculture and land stewardship and the department of
17 natural resources shall not require that the landowner
18 be issued a license ~~or permit~~ for keeping farm deer
19 ~~or~~. The department of natural resources shall not
20 require that the landowner be issued a certificate for
21 the construction of a fence for keeping farm deer.”

22 2. Page 1, line 5, by inserting before the words
23 “A landowner” the following: “1.”

24 3. Page 1, by inserting after line 19 the
25 following:

26 “2. Any person may take farm deer which are kept
27 within a certified fence, subject to consent of the
28 landowner. The department of agriculture and land
29 stewardship shall not regulate the taking of farm deer
30 unless regulation is to prevent the outbreak of a
31 transmissible disease including but not limited to
32 chronic wasting disease.”

33 4. By renumbering as necessary.

GENE FRAISE
JEFF ANGELO

S-5166

1 Amend Senate File 2291 as follows:

2 1. Page 4, by striking lines 2 through 8, and
3 inserting the following:

- 4 “a. The city or county may assign the tax sale
 5 certificate obtained pursuant to this section.
 6 ~~Preference~~ Initial consideration shall be given to
 7 purchasers who are low or moderate income families or
 8 organizations which assist low or moderate income
 9 families to obtain housing if the property for which
 10 the tax sale certificate is issued is assessed at one
 11 hundred thousand dollars or less. Persons who
 12 purchase certificates from the city or county under
 13 this subsection are liable for the total amount due
 14 the certificate holder pursuant to section 447.1.”
 15 2. Page 4, by striking lines 9 through 14.
 16 3. By renumbering as necessary.

HERMAN C. QUIRMBACH

S-5167

- 1 Amend House File 2418, 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 260C.14, Code Supplement 2003,
 6 is amended by adding the following new subsection:
 7 NEW SUBSECTION. 21. Adopt rules, in addition to
 8 those residency criteria otherwise adopted in rule, to
 9 specifically address residency criteria for those
 10 students who have been accepted for enrollment in a
 11 community college in this state and who have attended
 12 an accredited high school in this state for at least
 13 three academic years as of the date the individual
 14 graduated from an accredited high school or received a
 15 high school equivalency diploma in this state.”
 16 2. Page 1, by inserting after line 20 the
 17 following:
 18 “Sec. ____ Section 262.9, Code Supplement 2003, is
 19 amended by adding the following new subsection:
 20 NEW SUBSECTION. 32. Adopt rules, in addition to
 21 those residency criteria otherwise adopted in rule, to
 22 specifically address residency criteria for those
 23 students who have been accepted for enrollment in a
 24 university under the control of the board and who have
 25 attended an accredited high school in this state for
 26 at least three academic years as of the date the
 27 individual graduated from an accredited high school or
 28 received a high school equivalency diploma in this
 29 state.”
 30 3. Title page, by striking lines 1 and 2 and
 31 inserting the following: “An Act relating to the
 32 duties of the boards of directors of community
 33 colleges and of the state board of regents regarding

34 the”.

35 4. By renumbering as necessary.

MIKE CONNOLLY

S-5168

1 Amend House File 2489, as passed by the House, as
2 follows:

3 1. Page 20, by inserting after line 25 the
4 following:

5 “Sec. ___. NEW SECTION. 514C.21 MANDATED
6 COVERAGE FOR MENTAL HEALTH CONDITIONS.

7 1. For purposes of this section, unless the
8 context otherwise requires:

9 a. “Mental health condition” means a condition or
10 disorder involving mental illness or alcohol or
11 substance abuse that falls under any of the diagnostic
12 categories listed in the mental disorders section of
13 the international classification of disease, as
14 periodically revised.

15 b. “Rates, terms, and conditions” means any
16 lifetime payment limits, deductibles, copayments,
17 coinsurance, and any other cost-sharing requirements,
18 out-of-pocket limits, visit limitations, and any other
19 financial component of benefits coverage that affects
20 the covered individual.

21 2. a. Notwithstanding section 514C.6, a policy or
22 contract providing for third-party payment or
23 prepayment of health or medical expenses shall provide
24 coverage benefits for mental health conditions based
25 on rates, terms, and conditions which are no more
26 restrictive than the rates, terms, and conditions for
27 coverage benefits provided for other health or medical
28 conditions under the policy or contract.

29 Additionally, any rates, terms, and conditions
30 involving deductibles, copayments, coinsurance, and
31 any other cost-sharing requirements shall be
32 cumulative for coverage of both mental health
33 conditions and other health or medical conditions
34 under the policy or contract.

35 b. Coverage required under this subsection shall
36 be as follows:

37 (1) For the treatment of mental illness, coverage
38 shall be for services provided by a licensed mental
39 health professional, or services provided in a
40 licensed hospital or health facility.

41 (2) For the treatment of alcohol or substance
42 abuse, coverage shall be for services provided by a
43 substance abuse counselor, as approved by the
44 department of human services, a licensed health
45 facility providing a program for the treatment of

46 alcohol or substance abuse approved by the department
47 of human services, or a substance abuse treatment and
48 rehabilitation facility, as licensed by the department
49 of public health pursuant to chapter 125.

50 3. This section applies to the following classes

Page 2

1 of third-party payment provider contracts or policies
2 delivered, issued for delivery, continued, or renewed
3 in this state on or after January 1, 2005:

4 a. Individual or group accident and sickness
5 insurance providing coverage on an expense-incurred
6 basis.

7 b. An individual or group hospital or medical
8 service contract issued pursuant to chapter 509, 514,
9 or 514A.

10 c. A plan established pursuant to chapter 509A for
11 public employees.

12 d. An individual or group health maintenance
13 organization contract regulated under chapter 514B.

14 e. An individual or group Medicare supplemental
15 policy, unless coverage pursuant to such policy is
16 preempted by federal law.

17 f. Any other entity engaged in the business of
18 insurance, risk transfer, or risk retention, which is
19 subject to the jurisdiction of the commissioner.

20 g. An organized delivery system licensed by the
21 director of public health.

22 4. This section shall not apply to employers
23 actively engaged in business who, on at least fifty
24 percent of the employer's working days during the
25 preceding year, employed twenty-five or fewer full-
26 time eligible employees. In determining the number of
27 eligible employees, companies that are affiliated
28 companies or that are eligible to file a combined tax
29 return for purposes of state taxation are considered
30 one employer.

31 5. The commissioner shall adopt rules to
32 administer this section after consultation with the
33 mental health insurance advisory committee.

34 a. The commissioner shall appoint members to a
35 mental health insurance advisory committee. Members
36 shall include all sectors of society impacted by
37 issues associated with coverage of mental health
38 treatment by third-party payors including, but not
39 limited to, representatives of the insurance industry,
40 small and large employers, employee representatives
41 including labor, individual consumers, health care
42 providers, and other groups and individuals that may
43 be identified by the insurance division of the
44 department of commerce.

45 b. The committee shall meet upon the request of
46 the commissioner to review rules proposed under this
47 section by the commissioner, and to make suggestions
48 as appropriate.”

MATT W. McCOY

S-5169

1 Amend the amendment, S-5155, to House File 2243, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 16 through 18 and
4 inserting the following: “be admissible in evidence
5 and considered by the finder of fact if such conduct
6 was a cause in fact”.

BRYAN J. SIEVERS

S-5170

1 Amend Senate File 2296 as follows:
2 1. Page 27, by striking lines 13 and 14 and
3 inserting the following:
4 “Sec. 50. Section 2A.8, Code Supplement 2003, is
5 repealed.”

HERMAN C. QUIRMBACH

S-5171

1 Amend the amendment, S-5150, to House File 686, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 8, line 9, by inserting after the word
5 “However,” the following: “taxes for an instructional
6 support program approved pursuant to section 257.18”.

MIKE CONNOLLY

S-5172

HOUSE AMENDMENT TO
SENATE FILE 371

1 Amend Senate File 371, as passed by the Senate, as
2 follows:
3 1. Page 1, line 31, by inserting after the word
4 “Code” the following: “Supplement”.
5 2. Page 5, line 5, by striking the word “January”
6 and inserting the following: “July”.
7 3. Page 5, line 10, by striking the word

8 “January” and inserting the following: “July”.
 9 4. By renumbering, relettering, or redesignating
 10 and correcting internal references as necessary.

S-5173

1 Amend Senate File 2296 as follows:
 2 1. Page 1, by inserting after line 19 the
 3 following:
 4 “Sec. __. Section 421.17, Code Supplement 2003,
 5 is amended by adding the following new subsection:
 6 NEW SUBSECTION. 28. To place on the department’s
 7 official website the official electronic state of Iowa
 8 voter registration form and a link to the Iowa
 9 secretary of state’s official website.”

HERMAN C. QUIRMBACH

S-5174

1 Amend Senate File 2260 as follows:
 2 1. Page 1, by striking lines 17 and 18.

NANCY J. BOETTGER

S-5175

1 Amend House File 2523, 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: “~~from adopting a shall not~~
 5 adopt an ambient standard ~~for a source or class of~~
 6 ~~sources~~ for which the United States environmental”.

DAVID JOHNSON

S-5176

1 Amend Senate File 2298 as follows:
 2 1. Page 16, by inserting after line 16 the
 3 following:
 4 “3. HELP AMERICA VOTE ACT FUNDING
 5 For the purpose of drawing down Iowa’s share of
 6 federal funds appropriated under the federal Help
 7 America Vote Act (HAVA):
 8 \$ 777,000”
 9 2. By renumbering as necessary.

JOHN P. KIBBIE

S-5177

1 Amend Senate File 2298 as follows:
 2 1. Page 39, line 23, by striking the figure
 3 “346,451” and inserting the following: “396,451”.
 4 2. By striking page 48, line 30, through page 49,
 5 line 9 and inserting the following:
 6 “a. Merged Area I..... \$ 6,717,353
 7 b. Merged Area II..... \$ 7,859,917
 8 c. Merged Area III..... \$ 7,295,985
 9 d. Merged Area IV..... \$ 3,569,332
 10 e. Merged Area V..... \$ 7,499,287
 11 f. Merged Area VI..... \$ 6,918,909
 12 g. Merged Area VII..... \$ 10,008,601
 13 h. Merged Area IX..... \$ 12,311,409
 14 i. Merged Area X..... \$ 19,369,288
 15 j. Merged Area XI..... \$ 20,524,506
 16 k. Merged Area XII..... \$ 8,084,396
 17 l. Merged Area XIII..... \$ 8,298,918
 18 m. Merged Area XIV..... \$ 3,612,936
 19 n. Merged Area XV..... \$ 11,362,216
 20 o. Merged Area XVI..... \$ 6,346,191”
 21 3. Page 54, line 20, by inserting before the word
 22 “Funds” the following: “(4)”.
 23 4. Page 54, line 30, by striking the figure “(1)”
 24 and inserting the following: “(a)”.
 25 5. Page 54, line 32, by striking the figure “(2)”
 26 and inserting the following: “(b)”.
 27 6. Page 54, line 35, by striking the figure “(3)”
 28 and inserting the following: “(c)”.
 29 7. Page 55, line 4, by striking the figure “(4)”
 30 and inserting the following: “(d)”.
 31 8. Page 55, line 8, by striking the figure “(5)”
 32 and inserting the following: “(e)”.
 33 9. Page 63, line 2, by striking the figure “(1)”
 34 and inserting the following: “a.”
 35 10. Page 63, line 8, by striking the figure “(2)”
 36 and inserting the following: “b.”
 37 11. Page 159, by inserting after line 5 the
 38 following:
 39 “i. For the fifth judicial district department of
 40 correctional services for a grant as provided in this
 41 paragraph:
 42 \$ 75,000
 43 The amount appropriated in this paragraph shall be
 44 distributed as a grant to a private nonprofit
 45 organization for expansion of a program operated by
 46 the organization in collaboration with the judicial
 47 district department and the county attorney’s office
 48 of the largest county in the judicial district. The
 49 purpose of the program is to rehabilitate young
 50 convicted felons as an alternative to incarceration.”

Page 2

12. Page 176, line 21, by striking the figure “438,750” and inserting the following: “538,750”.

13. Page 176, line 25, by striking the figure “536,250” and inserting the following: “436,250”.

14. By striking page 179, line 29, through page 180, line 5 and inserting the following: “dollars.”

15. Page 180, by inserting after line 12 the following:

“Sec. ____ Section 257.18, subsection 2, Code 2003, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. Notwithstanding anything to the contrary in this section, if the board adopts a resolution, not later than April 15, 2004, to participate in the instructional support program and a petition is not filed or if the question is submitted to the registered voters of the school district and the question is approved, the authorization to participate shall be effective on the date specified in the resolution.”

16. By striking page 187, line 32, through page 193, line 26 and inserting the following:

“Sec. ____ PAYMENTS IN LIEU OF GENERAL FUND REIMBURSEMENT. Notwithstanding the amount of the standing appropriation from the general fund of the state in the following designated sections and notwithstanding any conflicting provisions or voting requirements of section 8.56, there is appropriated from the cash reserve fund in lieu of the appropriations in the following designated sections for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the following amounts for the following designated purposes:

| | |
|---|----------------|
| 1. For reimbursement for the homestead property tax credit under section 425.1: | \$ 102,945,379 |
| 2. For reimbursement for the agricultural land and family farm tax credits under sections 425A.1 and 426.1: | \$ 34,610,183 |
| 3. For reimbursement for the military service tax credit under section 426A.1A: | \$ 2,568,402 |
| 4. For implementing the elderly and disabled credit and reimbursement pursuant to sections 425.16 through 425.40: | \$ 19,540,000 |

If the sum of the amount of claims for credit for property taxes due plus the amount of claims for reimbursement for rent constituting property tax paid

Page 3

1 which are to be paid during the fiscal year beginning
2 July 1, 2004, exceeds the amount appropriated in this
3 subsection, the director of revenue shall prorate the
4 payments for the property tax credit and for
5 reimbursement for rent constituting property tax paid.
6 In order for the director to carry out the
7 requirements of this subsection, notwithstanding any
8 provision to the contrary in chapter 425, claims for
9 reimbursement for rent constituting property taxes
10 paid filed before May 1, 2005, shall be eligible to be
11 paid during the fiscal year ending June 30, 2005, and
12 those claims filed on or after May 1, 2005, shall be
13 eligible to be paid during the fiscal year beginning
14 July 1, 2005, and the director is not required to make
15 payments to counties for the property tax credit
16 before June 15, 2005.”

17 17. Page 193, by inserting before line 27 the
18 following:

19 “Sec. ____ Section 455B.174, subsection 4, Code
20 2003, is amended by adding the following new
21 paragraph:

22 NEW PARAGRAPH. e. If a public water supply has a
23 groundwater source that contains petroleum, a fraction
24 of crude oil, or their degradation products, or is
25 located in an area deemed by the department as likely
26 to be contaminated by such materials, the department
27 may require the public water supply to replace that
28 groundwater source in order to receive a permit to
29 operate. The requirement to replace the source shall
30 only be made by the department if the public water
31 supply is fully compensated for any additional design,
32 construction, operation, and monitoring costs from the
33 Iowa comprehensive petroleum underground storage tank
34 fund created by chapter 455G or from any other funds
35 that are made available. The department cannot
36 require a public water supply to replace its water
37 source with a less reliable water source or with a
38 source that does not meet federal primary, secondary,
39 or other health-based standards unless treatment is
40 provided to ensure that the drinking water meets these
41 standards. The department may designate whether the
42 public water supply will replace the groundwater
43 source or obtain its drinking water from another
44 public water supply.”

45 18. Page 193, by inserting after line 33 the
46 following:

47 “Sec. ____ Section 535.8, subsection 2, paragraph
48 b, unnumbered paragraph 2, Code 2003, as amended by
49 2004 Iowa Acts, House File 2484, if enacted, is
50 amended to read as follows:

Page 4

1 The lender shall not charge the borrower for the
2 cost of revenue stamps or real estate commissions
3 which are paid by the seller.

4 The collection of any costs other than as expressly
5 permitted by this paragraph "b" is prohibited.
6 However, additional costs incurred in connection with
7 a loan under this paragraph "b", if bona fide and
8 reasonable, may be collected by a state-chartered
9 financial institution licensed under chapter 524, 533,
10 or 534, to the extent permitted under applicable
11 federal law as determined by the office of the
12 comptroller of the currency of the United States
13 department of treasury, the national credit union
14 ~~association~~ administration, or the office of thrift
15 supervision of the United States department of
16 treasury. Such costs shall apply only to the same
17 type of ~~state-chartered~~ state-chartered entity as the
18 federally chartered entity affected and to an insurer
19 organized under chapter 508 or 515, or otherwise
20 authorized to conduct the business of insurance in
21 this state."

22 19. Page 202, by inserting after line 11 the
23 following:

24 "Sec. ___. VEHICLE DEALERSHIP STUDY. The
25 legislative council is requested to appoint an interim
26 study committee that will study the motor vehicles
27 franchise law or motor vehicle licensing law as it
28 pertains to motor vehicle dealerships' moves from a
29 facility and location to another facility and location
30 in the state. A report should be provided to the
31 general assembly by January 15, 2005.

32 Sec. ___. PREVAILING LEGISLATION. If 2004 Iowa
33 Acts, Senate File 399 is enacted and includes a
34 provision increasing the criminal penalty surcharge to
35 thirty-two percent of a fine or forfeiture, the
36 following shall be the consequence:

37 1. The thirty percent surcharge set out in the
38 amendment to section 911.1, Code 2003, in 2004 Iowa
39 Acts, House File 2530, section 10, if enacted, is null
40 and void, and 2004 Iowa Acts, House File 2530, section
41 10, if enacted, is amended to provide for the
42 surcharge at thirty-two percent to conform to the
43 thirty-two percent provision included in 2004 Iowa
44 Acts, Senate File 399.

45 2. As a result of including the thirty-two percent
46 provision in 2004 Iowa Acts, House File 2530, section
47 10, if enacted, the section of 2004 Iowa Acts, Senate
48 File 399 amending section 911.2, Code 2003, is null
49 and void."

50 20. Page 202, by inserting after line 33 the

Page 5

- 1 following:
- 2 “___ The section of this division of this Act
- 3 amending section 257.18, being deemed of immediate
- 4 importance, takes effect upon enactment.”

JEFF ANGELO

S-5178

- 1 Amend House File 2523, as amended, passed, and
- 2 reprinted by the House, as follows:
- 3 1. Page 7, line 13, by striking the word
- 4 “operating” and inserting the following: “operation”.

DAVID JOHNSON

S-5179

- 1 Amend the amendment, S-5154, to House File 2434, as
- 2 passed by the House, as follows:
- 3 1. Page 1, by inserting after line 5 the
- 4 following:
- 5 “___ Page 16, line 30, by inserting after the
- 6 word “hundred” the following: “thirty-two”.
- 7 2. By renumbering as necessary.

JOHN PUTNEY

S-5180

- 1 Amend Senate File 2298 as follows:
- 2 1. By striking page 48, line 27, through page 49,
- 3 line 9, and inserting the following:
- 4 “..... \$ 143,779,44
- 5 The funds appropriated in this subsection shall be
- 6 allocated as follows:
- 7 a. Merged Area I..... \$ 6,923,475
- 8 b. Merged Area II..... \$ 8,055,388
- 9 c. Merged Area III..... \$ 7,468,858
- 10 d. Merged Area IV..... \$ 3,658,736
- 11 e. Merged Area V..... \$ 7,734,944
- 12 f. Merged Area VI..... \$ 7,092,853
- 13 g. Merged Area VII..... \$ 10,298,612
- 14 h. Merged Area IX..... \$ 12,670,481
- 15 i. Merged Area X..... \$ 20,006,286
- 16 j. Merged Area XI..... \$ 21,149,733
- 17 k. Merged Area XII..... \$ 8,328,176
- 18 l. Merged Area XIII..... \$ 8,527,774
- 19 m. Merged Area XIV..... \$ 3,704,996

| | | | |
|----|-------------------------|----|------------|
| 20 | n. Merged Area XV | \$ | 11,642,095 |
| 21 | o. Merged Area XVI..... | \$ | 6,516,837” |

JOHN P. KIBBIE
 MIKE CONNOLLY
 DARYL BEALL
 ROBERT E. DVORSKY
 JACK HOLVECK
 WILLIAM A. DOTZLER, JR.

S-5181

- 1 Amend Senate File 2298 as follows:
 2 1. Page 177, by inserting after line 25 the
 3 following:
 4 “Sec. ____ Section 161A.5, Code 2003, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 1A. The commissioners of each
 7 soil and water conservation district shall maintain an
 8 office located in the district. The office shall be
 9 supported by at least one full-time equivalent
 10 position as defined by section 8.36A. The position’s
 11 duties shall include providing clerical support to the
 12 commissioners and assisting landowners who are
 13 interested in participating in programs administered
 14 under this chapter.”
 15 2. By renumbering as necessary.

JOHN P. KIBBIE
 GENE FRAISE
 DARYL BEALL
 ROGER STEWART

S-5182

- 1 Amend Senate File 2298 as follows:
 2 1. Page 24, by inserting after line 24, the
 3 following:
 4 “____. In expending moneys from the amount
 5 appropriated from the state fish and game protection
 6 fund in this section, the department shall give
 7 priority to replacing vacancies filled by conservation
 8 officers as authorized by section 456A.13.”
 9 2. By renumbering as necessary.

DENNIS H. BLACK
 GENE FRAISE

S-5183

- 1 Amend Senate File 2298 as follows:
 2 1. Page 52, by striking line 35 and inserting the

3 following:
 4 “..... \$ 233,585,069”
 5 2. Page 57, by striking line 29 and inserting the
 6 following:
 7 “..... \$ 183,936,657”
 8 3. Page 58, by striking line 30 and inserting the
 9 following:
 10 “..... \$ 82,632,493”

ROBERT E. DVORSKY
 HERMAN C. QUIRMBACH
 WILLIAM A. DOTZLER, JR.
 JOE BOLKCOM
 JOE M. SENG
 KEITH A. KREIMAN
 JACK HOLVECK
 AMANDA RAGAN
 DARYL BEALL
 ROGER STEWART
 JOHN P. KIBBIE
 MIKE CONNOLLY

S-5184

1 Amend Senate File 2298 as follows:
 2 1. Page 165, by inserting after line 24 the
 3 following:
 4 “Notwithstanding section 8.31, if the governor
 5 determines that the estimated budget resources during
 6 the fiscal year beginning July 1, 2004, and ending
 7 June 30, 2005, are insufficient to pay all
 8 appropriations in full, the governor’s uniform
 9 reduction of appropriations shall not apply to
 10 appropriations made for the division of the Iowa state
 11 patrol.”

GENE FRAISE

S-5185

1 Amend Senate File 2298 as follows:
 2 1. Page 77, line 32, by striking the figure
 3 “16,189,139” and inserting the following:
 4 “17,189,139”.

STEVE WARNSTADT
 DARYL BEALL

S-5186

1 Amend Senate File 2298 as follows:
2 1. Page 73, by inserting after line 30 the
3 following:
4 "i. For the fiscal year beginning July 1, 2004,
5 and ending June 30, 2005, the board of pharmacy
6 examiners may retain and expend 90 percent of the
7 revenues generated from any increase after July 1,
8 2004, in licensing fees pursuant to sections 124.301
9 and 147.80, and chapter 155A, for purposes related to
10 the state board's duties, including but not limited to
11 the addition of not more than six full-time equivalent
12 positions to those authorized in this division of this
13 Act. Fees retained by the board pursuant to this
14 lettered paragraph are appropriated to the board of
15 pharmacy examiners for the purposes described in this
16 lettered paragraph."

GENE FRAISE

S-5187

1 Amend House File 2489, as passed by the House, as
2 follows:
3 1. Page 32, by striking lines 13 through 18.
4 2. By renumbering as necessary.

RON WIECK

S-5188

1 Amend Senate File 2298 as follows:
2 1. Page 34, line 33, by striking the figure
3 "4,889,124" and inserting the following: "5,189,124".
4 2. Page 34, line 34, by striking the figure
5 "94.20" and inserting the following: "100.20".
6 3. Page 35, by inserting after line 14, the
7 following:
8 "5. Five full-time equivalent positions shall be
9 designated for safety and health consultants for the
10 division of labor services.
11 6. One full-time equivalent position shall be
12 designated for a deputy commissioner in the division
13 of workers' compensation."

WILLIAM A. DOTZLER, JR.
JACK HOLVECK
DARYL BEALL
THOMAS G. COURTNEY
ROGER STEWART
ROBERT E. DVORSKY

MIKE CONNOLLY
 KEITH A. KREIMAN
 JOE BOLKCOM

S-5189

1 Amend Senate File 2298 as follows:

2 1. Page 194, by inserting after line 7 the
 3 following:

4 "Sec. ____ STATE COURTS — JUSTICES, JUDGES, AND
 5 MAGISTRATES.

6 1. The salary rates specified in subsection 2 are
 7 for the fiscal year beginning July 1, 2004, effective
 8 for the pay period beginning June 18, 2004, 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 judicial branch pursuant to any Act of the general
 13 assembly.

14 2. The following annual salary rates shall be paid
 15 to the persons holding the judicial positions
 16 indicated during the fiscal year beginning July 1,
 17 2004, effective with the pay period beginning June 18,
 18 2004, and for subsequent pay periods.

| | | |
|---|----|---------|
| 19 a. Chief justice of the supreme court: | | |
| 20 | \$ | 129,580 |
| 21 b. Each justice of the supreme court: | | |
| 22 | \$ | 124,950 |
| 23 c. Chief judge of the court of appeals: | | |
| 24 | \$ | 124,830 |
| 25 d. Each associate judge of the court of appeals: | | |
| 26 | \$ | 120,210 |
| 27 e. Each chief judge of a judicial district: | | |
| 28 | \$ | 119,100 |
| 29 f. Each district judge except the chief judge of a | | |
| 30 judicial district: | | |
| 31 | \$ | 114,250 |
| 32 g. Each district associate judge: | | |
| 33 | \$ | 99,560 |
| 34 h. Each associate juvenile judge: | | |
| 35 | \$ | 99,560 |
| 36 i. Each associate probate judge: | | |
| 37 | \$ | 99,560 |
| 38 j. Each judicial magistrate: | | |
| 39 | \$ | 29,680 |
| 40 k. Each senior judge: | | |
| 41 | \$ | 6,630 |

42 3. Persons receiving the salary rates established
 43 under subsection 2 shall not receive any additional

44 salary adjustments provided by this division of this
45 Act.”

DONALD B. REDFERN

S-5190

1 Amend Senate File 2298 as follows:
2 1. Page 92, line 27, by striking the figure
3 “352,794,101” and inserting the following:
4 “355,094,101”.
5 2. Page 97, by inserting after line 5, the
6 following:
7 “12. The department shall utilize not more than
8 \$2,300,000 of the funds appropriated in this section
9 to draw down the maximum amount of disproportionate
10 share hospital reimbursement under the medical
11 assistance program as provided in the federal
12 Prescription Drug and Medicare Improvement Act of
13 2003.”
14 3. Page 99, by striking lines 14 through 19.
15 4. By striking page 144, line 29, through page
16 145, line 9.
17 5. By renumbering as necessary.

STEVE WARNSTADT

S-5191

1 Amend Senate File 2298 as follows:
2 1. Page 64, by inserting after line 9, the
3 following:
4 “Section 1. Section 260C.14, Code Supplement 2003,
5 is amended by adding the following new subsection:
6 NEW SUBSECTION. 21. Adopt rules, in addition to
7 those residency criteria otherwise adopted in rule, to
8 specifically address residency criteria for those
9 students who have been accepted for enrollment in a
10 community college in this state and who have attended
11 an accredited high school in this state for at least
12 three academic years as of the date the individual
13 graduated from an accredited high school or received a
14 high school equivalency diploma in this state.”
15 2. Page 64, by inserting after line 25 the
16 following:
17 “Sec. ____ . Section 262.9, Code Supplement 2003, is
18 amended by adding the following new subsection:
19 NEW SUBSECTION. 32. Adopt rules, in addition to
20 those residency criteria otherwise adopted in rule, to
21 specifically address residency criteria for those
22 students who have been accepted for enrollment in a
23 university under the control of the board and who have

24 attended an accredited high school in this state for
25 at least three academic years as of the date the
26 individual graduated from an accredited high school or
27 received a high school equivalency diploma in this
28 state.”
29 3. By renumbering as necessary.

MIKE CONNOLLY
JACK HOLVECK

S-5192

1 Amend Senate File 2298 as follows:
2 1. Page 51, by inserting after line 19 the
3 following:
4 “Sec. ____ SCHOOL FINANCE FORMULA APPROPRIATION.
5 Notwithstanding section 8.22A, subsection 3, or any
6 other provision of law to the contrary, the revenue
7 estimate agreed to by the revenue estimating
8 conference at its March 19, 2004, meeting shall be
9 used in determining the state general fund expenditure
10 limitation for the fiscal year beginning July 1, 2004.
11 The amount of the increase in the expenditure
12 limitation over the limitation based upon the revenue
13 estimate agreed to by the revenue estimating
14 conference at its December 8, 2003, meeting shall be
15 appropriated to the department of education for
16 distribution pursuant to section 257.16 to pay
17 foundation aid and supplementary aid under section
18 257.4, subsection 2.”
19 2. Page 62, by inserting after line 34 the
20 following:
21 “Sec. ____ Section 257.35, subsection 2, Code
22 Supplement 2003, is amended by striking the
23 subsection.”

MICHAEL E. GRONSTAL
MIKE CONNOLLY
JOHN P. KIBBIE
ROBERT E. DVORSKY
ROGER STEWART
JACK HOLVECK
THOMAS G. COURTNEY
JACK HATCH
WILLIAM A. DOTZLER, JR.
JOE M. SENG
STEVE WARNSTADT
KEITH A. KREIMAN
HERMAN C. QUIRMBACH
DARYL BEALL
WALLY E. HORN
DICK L. DEARDEN

AMANDA RAGAN
MATT W. McCOY

S-5193

1 Amend Senate File 2298 as follows:

2 1. Page 142, by inserting after line 35 the
3 following:

4 “Sec. ____ HOME AND COMMUNITY-BASED WAIVER
5 SERVICES EXPANSION. There is appropriated from the
6 general fund of the state to the department of human
7 services for the fiscal year beginning July 1, 2004,
8 and ending June 30, 2005, the following amount, or so
9 much thereof as is necessary, to be used for the
10 purposes designated:

11 For distribution to counties to be used to expand
12 the number of home and community-based services waiver
13 payment slots in accordance with this section:

14 \$ 5,000,000

15 The department shall provide an opportunity for
16 counties to request an expansion of the county’s home
17 and community-based services waiver payment slots
18 under the medical assistance program. The department
19 shall distribute the moneys appropriated in this
20 section to those counties expanding waiver payment
21 slots pursuant to this section in order to fund the
22 nonfederal share of the cost of those slots. Any
23 expansion in the number of waiver payment slots as
24 described in this section shall be implemented on July
25 1, 2004, or the date authorized in the federal
26 approval of the expansion of the waiver slots,
27 whichever is later.”

28 2. Page 145, by inserting before line 10 the
29 following:

30 “Sec. ____ EFFECTIVE DATE. The section of this
31 division of this Act providing for expansion of home
32 and community-based services waiver payment slots,
33 being deemed of immediate importance, takes effect
34 upon enactment.”

35 3. By renumbering as necessary.

AMANDA RAGAN
KEITH A. KREIMAN
JOE BOLKCOM
DARYL BEALL
JACK HATCH
THOMAS G. COURTNEY
JACK HOLVECK
GENE FRAISE
ROGER STEWART
ROBERT E. DVORSKY
JOE M. SENG

WILLIAM A. DOTZLER, JR.
MIKE CONNOLLY

S-5194

1 Amend House File 2187, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 22, by inserting after the word
4 “registration.” the following: “Certification by a
5 dentist of job equivalency training shall be validated
6 through continuing education courses approved by the
7 board.”

MIKE CONNOLLY

S-5195

1 Amend Senate File 2298 as follows:
2 1. Page 64, by inserting after line 25 the
3 following:
4 “Sec. ____ Section 279.8, Code 2003, is amended to
5 read as follows:
6 279.8 GENERAL RULES — BONDS OF EMPLOYEES
7 REQUIREMENTS.
8 1. GOVERNMENT — PROPERTY. The board shall make
9 rules for its own government and that of the
10 directors, officers, employees, teachers, and pupils,
11 and for the care of the schoolhouse, grounds, and
12 property of the school corporation, and shall aid in
13 the enforcement of the rules, and require the
14 performance of duties imposed by law and the rules.
15 2. SCHOOL BUS LOADING AND UNLOADING. The board
16 shall include in its rules provisions regulating the
17 loading and unloading of pupils from a school bus
18 stopped on the highway during a period of reduced
19 highway visibility caused by fog, snow, or other
20 weather conditions.
21 3. SCHOOL CREDIT CARDS. The board shall have the
22 authority to include in its rules provisions allowing
23 school corporation employees to use school credit
24 cards to pay for the actual and necessary expenses
25 incurred in the performance of work-related duties.
26 4. BONDS OF EMPLOYEES. Employees of a school
27 corporation maintaining a high school who have the
28 custody of funds belonging to the corporation or funds
29 derived from extracurricular activities and other
30 sources in the conduct of their duties, shall be
31 required to furnish suitable bond indemnifying the
32 corporation or any activity group connected with the
33 school against loss, and employees who have the
34 custody of property belonging to the corporation or
35 any activity group connected with the school may be

36 required to furnish such bond. ~~Said~~ Such bond or
 37 bonds may be in such form and penalty as the board may
 38 approve and the premiums on ~~same~~ the bond or bonds
 39 shall be paid from the general fund of the
 40 corporation.

41 5. ANTIBULLYING AND ANTIHARASSMENT POLICY. The
 42 board of directors of each school district shall adopt
 43 and annually review a policy prohibiting bullying and
 44 harassment of all students based on any real or
 45 perceived characteristic, including, but not limited
 46 to, age, color, creed, national origin, race,
 47 religion, marital status, sex, sexual orientation,
 48 gender identity, physical attributes, physical or
 49 mental ability or disability, ancestry, political
 50 party preference, socioeconomic status, or familial

Page 2

1 status. The policy shall be developed with local
 2 input from parents, guardians, school employees,
 3 volunteers, students, school administrators, and other
 4 members of the community. The school board shall
 5 annually review the policy with parents, guardians,
 6 school employees, volunteers, students, school
 7 administrators, and other members of the community.
 8 The policy shall, at a minimum, include or provide for
 9 all of the following:

10 a. A definition of bullying and harassment which
 11 shall be construed to mean the same and defined to
 12 mean any conduct toward a student that is based on any
 13 real or perceived characteristic, including, but not
 14 limited to, age, color, creed, national origin, race,
 15 religion, marital status, sex, sexual orientation,
 16 gender identity, physical attributes, physical or
 17 mental ability or disability, ancestry, political
 18 party preference, socioeconomic status, or familial
 19 status, and that creates an objectively hostile school
 20 environment which meets any of the following
 21 conditions:

22 (1) Places the student in reasonable fear of harm
 23 to the student's person or property.

24 (2) Has a substantially detrimental effect on the
 25 student's physical or mental health.

26 (3) Has the effect of substantially interfering
 27 with a student's academic performance.

28 (4) Has the effect of substantially interfering
 29 with the student's ability to participate in or
 30 benefit from the services, activities, or privileges
 31 provided by a school.

32 b. Effective prevention strategies and
 33 professional development for teachers and
 34 administrators.

35 c. Monitoring and evaluation of the policy’s
 36 effectiveness and inclusion in the comprehensive
 37 school improvement plan filed with the department of
 38 education in accordance with section 256.7, subsection
 39 21.
 40 d. Procedures for receiving and responding to
 41 complaints.
 42 e. Consequences and appropriate remedial action
 43 for violation of the policy, taking into account the
 44 pattern and severity of particular bullying and
 45 harassing behavior.
 46 f. Public notice of the policy.
 47 g. Prohibition of reprisals or retaliation against
 48 any person who reports bullying or harassing behavior.
 49 Each school board shall develop procedures
 50 necessary to implement and administer this

Page 3

- 1 subsection.”
- 2 2. By renumbering as necessary.

MATT W. McCOY

S-5196

1 Amend Senate File 2298 as follows:
 2 1. Page 48, by striking line 23 and inserting the
 3 following:
 4 “..... \$ 47,363,894
 5 . JOBS FOR AMERICA’S GRADUATES
 6 For school districts to provide direct services to
 7 the most at-risk senior high school students enrolled
 8 in school districts through direct intervention by a
 9 “jobs for America’s graduates” specialist:
 10 \$ 400,000
 11 . EARLY CHILDHOOD PROGRAMS
 12 For purposes of early childhood programs, including
 13 but not limited to the early childhood programs grants
 14 and the school ready children grant program
 15 established pursuant to chapter 28, and the shared
 16 vision program administered by the child development
 17 coordinating council in accordance with chapter 256A:
 18 \$ 1,500,000
 19 . PROFESSIONAL DEVELOPMENT
 20 For professional development of teachers and
 21 improvement of student achievement:
 22 \$ 10,000,000
 23 Funds appropriated in this subsection shall be
 24 distributed as follows:
 25 a. The amount of \$555,000 shall be used to
 26 implement the highest priority recommendations of the

27 achievement gap task force. Priority shall be given
 28 to the recommendations that are research-based and
 29 have the highest probability of improving student
 30 achievement.

31 b. The amount of \$250,000 shall be allocated for
 32 costs of providing textbooks, supplies, or services to
 33 each resident pupil who attends a nonpublic school.
 34 The funding shall not exceed the comparable services
 35 offered to resident public school pupils.

36 c. Funds remaining after distribution as provided
 37 in paragraphs "a" and "b" shall be distributed for
 38 professional development purposes in accordance with
 39 the formula specified in section 284.13, subsection 1,
 40 paragraph "f", to each school district that applies to
 41 the department and provides a total general fund
 42 budget demonstrating that the district intends to
 43 increase the proportion of its total expenditures for
 44 instruction compared to the proportion expended in the
 45 prior year. Increased proportionate expenditures, not
 46 including funds received under this lettered
 47 paragraph, must be achieved through proportionate
 48 decreases in administration and administrative
 49 services as defined by the department.

50 d. A school district shall expend the funds

Page 2

1 received as provided in paragraph "c" for the
 2 following purposes:

3 (1) Compensating staff for professional
 4 development time that occurs outside of the regular
 5 contract.

6 (2) Substitute teacher costs that provide training
 7 or development time for teachers.

8 (3) Costs for trainers or providers of
 9 professional development.

10 (4) Professional development supplies and
 11 materials, including software or courseware. However,
 12 not more than ten percent of the funds received by a
 13 school district under paragraph "c" may be used for
 14 professional development supplies and materials."

15 2. By renumbering as necessary.

MIKE CONNOLLY
 ROBERT E. DVORSKY
 JACK HOLVECK
 WILLIAM A. DOTZLER, JR.
 JOE M. SENG
 JOE BOLKCOM
 HERMAN C. QUIRMBACH
 DARYL BEALL
 ROGER STEWART

S-5197

1 Amend Senate File 2298 as follows:
2 1. Page 105, line 21, by striking the figure
3 “100,135,253” and inserting the following:
4 “105,736,386”.
5 2. By striking page 105, line 32, through page
6 107, line 1, and inserting the following:
7 “2. Of the funds appropriated in this section,
8 \$1,398,403 is allocated as the state match funding for
9 50 highly structured juvenile program beds. If the
10 number of beds provided for in this subsection are not
11 utilized, the remaining funds allocated may be used
12 for group foster care.”
13 3. Page 131, by inserting after line 11 the
14 following:
15 “Sec. ____ Section 232.52, subsection 2A, Code
16 Supplement 2003, is amended by striking the
17 subsection.
18 Sec. ____ Section 232.102, subsection 1A, Code
19 Supplement 2003, is amended by striking the
20 subsection.
21 Sec. ____ Section 232.117, subsection 4, Code
22 Supplement 2003, is amended by striking the
23 subsection.
24 Sec. ____ Section 232.127, subsection 8, Code
25 Supplement 2003, is amended by striking the
26 subsection.
27 Sec. ____ Section 232.188, subsection 4, Code
28 Supplement 2003, is amended to read as follows:
29 4. In a decategorization agreement, the department
30 and the county’s or group of counties’
31 decategorization governance board shall agree on all
32 of the following items: the governance relationship
33 between the department and the decategorization
34 governance board; the respective areas of autonomy of
35 the department and the board; the budgeting structure
36 for the decategorization; and a method for resolving
37 disputes between the department and the board. The
38 decategorization agreement shall require the
39 department and the decategorization governance board
40 to agree upon a budget ~~within sixty days of the date~~
41 ~~by which the regional group foster care budget targets~~
42 ~~are determined under section 232.143 for on or before~~
43 August 31 of the fiscal year to which the budget
44 applies. The budget may later be modified to reflect
45 new or changed circumstances.
46 Sec. ____ Section 234.35, subsection 1, paragraph
47 e, Code Supplement 2003, is amended to read as
48 follows:
49 e. When a court has entered an order transferring
50 the legal custody of the child to a foster care

Page 2

- 1 placement pursuant to section 232.52, subsection 2,
 2 paragraph “d”, or section 232.102, subsection 1.
 3 ~~However, payment for a group foster care placement~~
 4 ~~shall be limited to those placements which conform to~~
 5 ~~a regional group foster care plan established pursuant~~
 6 ~~to section 232.143.”~~
 7 4. Page 135, by inserting after line 28 the
 8 following:
 9 “Sec. ____ Section 232.143, Code Supplement 2003,
 10 is repealed.”
 11 5. By striking page 135, line 32, through page
 12 136, line 5.
 13 6. By renumbering as necessary.

KEITH A. KREIMAN

S-5198

- 1 Amend House File 2476, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 2, line 4, by inserting after the figure
 4 “1.” the following: “a.”
 5 2. Page 2, by inserting after line 12, the
 6 following:
 7 “b. The department shall retain moneys from civil
 8 penalties that it collects under this chapter. The
 9 moneys are appropriated to the department for the
 10 administration and enforcement of this chapter.
 11 Notwithstanding section 8.33, such moneys shall not
 12 revert, but shall be retained by the department for
 13 the purposes described in this paragraph. The
 14 department shall submit a report to the chairpersons
 15 of the joint appropriations subcommittee on
 16 agriculture and natural resources by January 5 of each
 17 year. The report shall state, at a minimum, the total
 18 amount of moneys collected during the past calendar
 19 year and describe how these moneys were expended.”
 20 3. Title page, line 1, by inserting after the
 21 word “poultry” the following: “, making an
 22 appropriation.”
 23 4. By renumbering as necessary.

MARK ZIEMAN

S-5199

- 1 Amend Senate File 2298 as follows:
 2 1. Page 177, by inserting after line 3, the
 3 following:
 4 “Sec. ____ Section 10C.5, Code 2003, is amended to

5 read as follows:

6 10C.5 REPEAL.

7 Sections 10C.1 through 10C.4 and this section are
8 repealed July 1, ~~2004~~ 2008.

9 Sec. ____ Section 10C.6, subsection 1, paragraph
10 a, unnumbered paragraph 1, Code 2003, is amended to
11 read as follows:

12 A life science enterprise may acquire or hold
13 agricultural land, notwithstanding section 10C.5 as
14 that section exists in the ~~2003~~ 2005 Code ~~or 2003 Code~~
15 ~~Supplement~~, if all of the following apply:

16 Sec. ____ Section 10C.6, subsection 1, paragraph
17 a, subparagraphs (1) and (2), Code 2003, are amended
18 to read as follows:

19 (1) The life science enterprise acquires the
20 agricultural land on or before June 30, ~~2004~~ 2008.

21 (2) The enterprise acquires or holds the
22 agricultural land pursuant to chapter 10C as that
23 chapter exists in the ~~2003~~ 2005 Code ~~or 2003 Code~~
24 ~~Supplement~~."

KEN VEENSTRA
JOHN P. KIBBIE

S-5200

1 Amend Senate File 2298 as follows:

2 1. Page 42, line 6, by inserting after the word
3 "state." the following: "The department shall
4 strongly encourage school districts to seek direct
5 claiming under the medical assistance program for
6 funding of school district nursing services for
7 students."

8 2. Page 53, line 19, by inserting after the word
9 "encumbered" the following: "and shall not be
10 expended for any purpose".

11 3. Page 53, line 35, by inserting after the word
12 "encumbered" the following: ", may be expended,".

13 4. Page 55, by inserting after line 16, the
14 following:

15 "The university of Iowa hospitals and clinics, in
16 cooperation with the department of corrections, shall
17 study the utilization of the indigent patient care
18 program by department of corrections' inmates and
19 shall submit a report to the governor and the general
20 assembly on or before January 1, 2005, regarding
21 recommendations to improve the efficiency and cost-
22 effectiveness of the care provided to the inmates."

23 5. Page 68, by inserting after line 2, the
24 following:

25 "2A. Of the funds appropriated in this section,
26 \$49,000 shall be used, in addition to any other funds

27 appropriated in this Act, for provision of training to
28 resident advocate committees for elder group homes, as
29 defined in section 231B.1, and licensed health care
30 facilities as defined in section 135C.1.”

31 6. Page 73, by striking lines 25 through 27 and
32 inserting the following: “equivalent positions for
33 program services and investigations. Fees”.

34 7. Page 73, line 35, by striking the figure
35 “406,707” and inserting the following: “680,707”.

36 8. Page 80, line 17, by striking the figure
37 “19,480,254” and inserting the following:
38 “16,280,254”.

39 9. Page 81, line 11, by striking the figure
40 “30,275,728” and inserting the following:
41 “33,475,728”.

42 10. Page 92, line 27, by striking the figure
43 “352,794,101” and inserting the following:
44 “353,020,101”.

45 11. Page 97, by inserting before line 6 the
46 following:

47 “___ The department shall assist school districts
48 in applying for direct claiming under the medical
49 assistance program for funding of school district
50 nursing services for students.”

Page 2

1 12. Page 98, line 6, by striking the word
2 “intermediary” and inserting the following: “agent”.

3 13. Page 98, by striking lines 24 through 28, and
4 inserting the following:

5 “c. Implement a health insurance data match
6 program with insurance carriers to be used to match
7 insureds against”.

8 14. Page 98, by striking lines 32 and 33, and
9 inserting the following: “confidential. The
10 department, in consultation with insurance carriers,
11 shall adopt rules to implement this paragraph. The
12 rules shall be published as emergency rules to take
13 effect no later than June 30, 2004. Insurance
14 carriers shall begin providing the information
15 required upon the adoption of the rules.”

16 15. Page 99, by striking lines 6 through 9.

17 16. Page 99, by striking lines 14 through 19.

18 17. By striking page 99, line 20, through page
19 100, line 2, and inserting the following:

20 “h. Provide that under the Iowa preferred drug
21 list requirements, any newly released generic drug
22 product shall only be considered to be a preferred
23 drug and therefore not subject to prior authorization
24 if the generic product’s cost to the medical
25 assistance program is less than the brand name

26 product's cost to the medical assistance program. In
27 determining the medical assistance program cost of
28 each drug product, the drug product cost shall be the
29 net amount derived following inclusion of all medical
30 assistance program drug rebates and after the impact
31 of all Iowa-specific supplemental rebates are taken
32 into account."

33 18. Page 101, line 16, by striking the figure
34 "12,618,275" and inserting the following:
35 "12,118,275".

36 19. Page 105, line 21, by striking the figure
37 "100,135,253" and inserting the following:
38 "96,935,253".

39 20. Page 105, by inserting after line 21 the
40 following:

41 "In order to address a reduction of \$6,200,000 from
42 the amount allocated under this appropriation in prior
43 years for purposes of juvenile delinquent graduated
44 sanction services, up to \$6,200,000 of the amount of
45 federal temporary assistance for needy families block
46 grant funding appropriated in this division of this
47 Act for child and family services, shall be made
48 available for purposes of juvenile delinquent
49 graduated sanction services."

50 21. Page 107, line 5, by striking the figure

Page 3

1 "3,000,000" and inserting the following: "1,000,000".

2 22. Page 107, line 8, by inserting after the
3 figure "232.188." the following: "In addition, up to
4 \$2,000,000 of the amount of federal temporary
5 assistance for needy families block grant funding
6 appropriated in this division of this Act for child
7 and family services shall be made available for
8 purposes of decategorization of child welfare services
9 as provided in this subsection."

10 23. Page 108, line 25, by inserting after the
11 figure "4." the following: "Of the amount allocated
12 in this subsection, up to \$1,431,597 shall be made
13 available to provide school-based supervision of
14 children adjudicated under chapter 232, of which not
15 more than \$15,000 may be used for the purpose of
16 training. A portion of the cost of each school-based
17 liaison officer shall be paid by the school district
18 or other funding source as approved by the chief
19 juvenile court officer."

20 24. Page 109, by striking lines 22 through 31.

21 25. Page 121, line 16, by striking the figure
22 "49,897,364" and inserting the following:
23 "53,097,364".

24 26. Page 122, line 29, by striking the figure

25 “154,013,248.” and inserting the following:
 26 “156,013,248. For the fiscal year beginning July 1,
 27 2004, and ending June 30, 2005, nursing facilities
 28 reimbursed under the case-mix reimbursement system
 29 shall have their allowable cost calculations adjusted
 30 by applying the most recently published HCFA/SNF
 31 index. For the purpose of this subparagraph, the
 32 HCFA/SNF index means the HCFA total skilled nursing
 33 facility market basket index published by data
 34 resources, inc.”
 35 27. Page 129, line 6, by inserting after the word
 36 “year.” the following: “Of the amount remaining
 37 available, the department of human services may use up
 38 to \$2,300,000 to draw down the maximum amount of
 39 disproportionate share hospital reimbursement under
 40 the medical assistance program as provided in the
 41 federal Prescription Drug and Medicare Improvement Act
 42 of 2003. Any amounts received shall be distributed in
 43 accordance with the regular disproportionate share
 44 hospital program paid out of the graduate medical
 45 education and disproportionate share fund.”
 46 28. Page 132, by striking lines 21 through 27 and
 47 inserting the following:
 48 “A carrier, as defined in section 514C.13, shall
 49 enter into a health insurance data match program with
 50 the department of human services for the sole purpose

Page 4

1 of comparing the names of the carrier’s insureds with
 2 the names of recipients of the medical assistance
 3 program.”
 4 29. Page 134, by inserting after line 8 the
 5 following:
 6 “Sec. ____ 2002 Iowa Acts, chapter 1174, section
 7 4, unnumbered paragraph 3, as amended by 2002 Iowa
 8 Acts, Second Extraordinary Session, chapter 1003,
 9 section 244, is amended to read as follows:
 10 Notwithstanding section 8.33, moneys appropriated
 11 under this section that are unobligated or
 12 unencumbered at the end of the fiscal year beginning
 13 July 1, 2002, and ending June 30, 2003, shall not
 14 revert, but shall remain available for the specific
 15 purposes designated in this section until June 30,
 16 ~~2004~~ 2005.”
 17 30. Page 136, by inserting before line 14 the
 18 following:
 19 “4A. The provision amending 2002 Iowa Acts,
 20 chapter 1174, section 4, unnumbered paragraph 3, as
 21 amended by 2002 Iowa Acts, Second Extraordinary
 22 Session, chapter 1003, section 244.”
 23 31. Page 139, by inserting after line 3, the

24 following:

25 “c. Two million dollars of the moneys appropriated
26 in this subsection shall be transferred to the
27 appropriation in this Act from the general fund of the
28 state for the medical assistance program to be used to
29 implement nursing facility provider reimbursements as
30 provided in 2001 Iowa Acts, chapter 192, section 4,
31 subsection 2, paragraph “c.”

32 32. Page 143, line 16, by striking the figure
33 “14,492,712” and inserting the following:

34 “19,157,111”.

35 33. Page 144, line 10 by inserting after the word
36 “percent.” the following: “However, the amount
37 withheld shall be limited to the amount by which the
38 county’s ending balance was in excess of the ending
39 balance percentage of 10 percent.”

40 34. Page 144, by striking lines 11 through 14 and
41 inserting the following:

42 “c. For an ending balance percentage of 25 percent
43 or more, a withholding factor of 100 percent.”

44 35. Page 144, line 17, by striking the figure
45 “4,753,963” and inserting the following: “9,418,362”.

46 36. By striking page 144, line 29, through page
47 145, line 9.

48 37. Page 194, line 6, by striking the word “and”
49 and inserting the following: “~~and~~”.

50 38. Page 194, line 7, by inserting after the

Page 5

1 figure “135C.1” the following: “. and a federally
2 licensed, regulated, or registered nonprofit blood
3 bank, blood center, or plasma center that is
4 collecting, processing, or distributing whole human
5 blood, blood components, plasma, blood fractions, or
6 blood derivatives for use by a licensed health care
7 provider”.

8 39. By renumbering as necessary.

MAGGIE TINSMAN

S-5201

1 Amend Senate File 2298 as follows:

2 1. Page 154, by inserting after line 4 the
3 following:

4 “2. Notwithstanding section 8.33, moneys
5 appropriated in this section that remain unobligated
6 or unexpended at the close of the fiscal year shall
7 not revert but shall remain available for expenditure

8 for the hiring and retention of correctional officers
9 until the close of the succeeding fiscal year.”

GENE FRAISE
DARYL BEALL

S-5202

1 Amend Senate File 2298 as follows:

2 1. Page 193, by inserting after line 33 the
3 following:

4 “Sec. __. NEW SECTION. 514C.21 MANDATED
5 COVERAGE FOR MENTAL HEALTH CONDITIONS.

6 1. For purposes of this section, unless the
7 context otherwise requires:

8 a. “Mental health condition” means a condition or
9 disorder involving mental illness or alcohol or
10 substance abuse that falls under any of the diagnostic
11 categories listed in the mental disorders section of
12 the international classification of disease, as
13 periodically revised.

14 b. “Rates, terms, and conditions” means any
15 lifetime payment limits, deductibles, copayments,
16 coinsurance, and any other cost-sharing requirements,
17 out-of-pocket limits, visit limitations, and any other
18 financial component of benefits coverage that affects
19 the covered individual.

20 2. a. Notwithstanding section 514C.6, a policy or
21 contract providing for third-party payment or
22 prepayment of health or medical expenses shall provide
23 coverage benefits for mental health conditions based
24 on rates, terms, and conditions which are no more
25 restrictive than the rates, terms, and conditions for
26 coverage benefits provided for other health or medical
27 conditions under the policy or contract.

28 Additionally, any rates, terms, and conditions
29 involving deductibles, copayments, coinsurance, and
30 any other cost-sharing requirements shall be
31 cumulative for coverage of both mental health
32 conditions and other health or medical conditions
33 under the policy or contract.

34 b. Coverage required under this subsection shall
35 be as follows:

36 (1) For the treatment of mental illness, coverage
37 shall be for services provided by a licensed mental
38 health professional, or services provided in a
39 licensed hospital or health facility.

40 (2) For the treatment of alcohol or substance
41 abuse, coverage shall be for services provided by a
42 substance abuse counselor, as approved by the
43 department of human services, a licensed health
44 facility providing a program for the treatment of

45 alcohol or substance abuse approved by the department
46 of human services, or a substance abuse treatment and
47 rehabilitation facility, as licensed by the department
48 of public health pursuant to chapter 125.

49 3. This section applies to the following classes
50 of third-party payment provider contracts or policies

Page 2

1 delivered, issued for delivery, continued, or renewed
2 in this state on or after January 1, 2005:

3 a. Individual or group accident and sickness
4 insurance providing coverage on an expense-incurred
5 basis.

6 b. An individual or group hospital or medical
7 service contract issued pursuant to chapter 509, 514,
8 or 514A.

9 c. A plan established pursuant to chapter 509A for
10 public employees.

11 d. An individual or group health maintenance
12 organization contract regulated under chapter 514B.

13 e. An individual or group Medicare supplemental
14 policy, unless coverage pursuant to such policy is
15 preempted by federal law.

16 f. Any other entity engaged in the business of
17 insurance, risk transfer, or risk retention, which is
18 subject to the jurisdiction of the commissioner.

19 g. An organized delivery system licensed by the
20 director of public health.

21 4. This section shall not apply to employers
22 actively engaged in business who, on at least fifty
23 percent of the employer's working days during the
24 preceding year, employed twenty-five or fewer full-
25 time eligible employees. In determining the number of
26 eligible employees, companies that are affiliated
27 companies or that are eligible to file a combined tax
28 return for purposes of state taxation are considered
29 one employer.

30 5. The commissioner shall adopt rules to
31 administer this section after consultation with the
32 mental health insurance advisory committee.

33 a. The commissioner shall appoint members to a
34 mental health insurance advisory committee. Members
35 shall include all sectors of society impacted by
36 issues associated with coverage of mental health
37 treatment by third-party payors including, but not
38 limited to, representatives of the insurance industry,
39 small and large employers, employee representatives
40 including labor, individual consumers, health care
41 providers, and other groups and individuals that may
42 be identified by the insurance division of the
43 department of commerce.

44 b. The committee shall meet upon the request of
 45 the commissioner to review rules proposed under this
 46 section by the commissioner, and to make suggestions
 47 as appropriate.”

MATT W. McCOY

S-5203

1 Amend Senate File 2298 as follows:

2 1. Page 71, by striking lines 15 through 17, and
 3 inserting the following: “if those additional
 4 expenditures are directly the result of any
 5 unanticipated litigation or scope of practice review
 6 committee expense arising from the discharge of an
 7 examining board’s”.

MAGGIE TINSMAN

S-5204

1 Amend Senate File 2298 as follows:

2 1. Page 177, by inserting after line 25, the
 3 following:
 4 “Sec. ____ Section 85.36, Code 2003, is amended by
 5 adding the following new subsection:
 6 NEW SUBSECTION. 5A. In the case of a school
 7 district employee who is employed pursuant to a
 8 contract for a specific period of time, and whose
 9 earnings are paid pursuant to a contract for a
 10 different period of time than the period of time
 11 during which the services are performed, the
 12 employee’s weekly earnings shall be based on the
 13 period of time for which the earnings are paid rather
 14 than on the period of time during which the services
 15 are performed.”
 16 2. By renumbering as necessary.

STEVE KETTERING

S-5205

1 Amend Senate File 2298 as follows:

2 1. Page 30, by inserting after line 25 the
 3 following:
 4 “Sec. ____ GROW IOWA VALUES FUND APPROPRIATION.
 5 1. There is appropriated from the grow Iowa values
 6 fund to the department of economic development for the
 7 fiscal period beginning July 1, 2004, and ending June
 8 30, 2006, the following amounts, or so much thereof as
 9 is necessary, to be used for the purposes designated:
 10 For programs administered by the department of

| | |
|--------------------------|---------------|
| 11 economic development: | |
| 12 FY 2004–2005 | \$ 34,000,000 |
| 13 FY 2005–2006 | \$ 66,000,000 |

14 2. Notwithstanding section 8.33, moneys
 15 appropriated in this section that remain unexpended at
 16 the end of a fiscal year shall not revert to any fund
 17 but shall remain available for expenditure for the
 18 designated purposes during the succeeding fiscal
 19 year.”

20 2. Page 39, by inserting after line 1 the
 21 following:

22 “Sec. ____ Section 8.57, subsection 5, paragraph
 23 e, Code Supplement 2003, is amended to read as
 24 follows:

25 e. Notwithstanding provisions to the contrary in
 26 sections 99D.17 and 99F.11, for the fiscal year
 27 beginning July 1, ~~2000~~ 2003, and ~~for each fiscal year~~
 28 ~~thereafter ending June 30, 2004~~, not more than a total
 29 of sixty million dollars shall be deposited in the
 30 general fund of the state in ~~any the~~ fiscal year
 31 pursuant to sections 99D.17 and 99F.11; for the fiscal
 32 period beginning July 1, 2004, and ending June 30,
 33 2025, not more than a total of ten million dollars of
 34 the moneys directed to be deposited in the general
 35 fund of the state in a fiscal year pursuant to
 36 sections 99D.17 and 99F.11 shall be deposited in the
 37 grow Iowa values fund created in section 15G.108 in
 38 any fiscal year, and not more than a total of fifty
 39 million dollars shall be deposited in the general fund
 40 in any fiscal year; and for the fiscal year beginning
 41 July 1, 2025, and for each fiscal year thereafter, not
 42 more than a total of sixty million dollars shall be
 43 deposited in the general fund of the state in any
 44 fiscal year pursuant to sections 99D.17 and 99F.11.

45 The next fifteen million dollars of the moneys
 46 directed to be deposited in the general fund of the
 47 state in a fiscal year pursuant to sections 99D.17 and
 48 99F.11 shall be deposited in the vision Iowa fund
 49 created in section 12.72 for the fiscal year beginning
 50 July 1, 2000, and for each fiscal year through the

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1 fiscal year beginning July 1, 2019. The next five
 2 million dollars of the moneys directed to be deposited
 3 in the general fund of the state in a fiscal year
 4 pursuant to sections 99D.17 and 99F.11 shall be
 5 deposited in the school infrastructure fund created in
 6 section 12.82 for the fiscal year beginning July 1,
 7 2000, and for each fiscal year thereafter until the
 8 principal and interest on all bonds issued by the
 9 treasurer of state pursuant to section 12.81 are paid,

10 as determined by the treasurer of state. The total
11 moneys in excess of the moneys deposited in the
12 general fund of the state, the grow Iowa values fund,
13 the vision Iowa fund, and the school infrastructure
14 fund in a fiscal year shall be deposited in the
15 rebuild Iowa infrastructure fund and shall be used as
16 provided in this section, notwithstanding section
17 8.60.

18 If the total amount of moneys directed to be
19 deposited in the general fund of the state under
20 sections 99D.17 and 99F.11 in a fiscal year is less
21 than the total amount of moneys directed to be
22 deposited in the grow Iowa values fund, the vision
23 Iowa fund, and the school infrastructure fund in the
24 fiscal year pursuant to this paragraph “e”, the
25 difference shall be paid from lottery revenues in the
26 manner provided in section 99G.39, subsection 3.

27 Sec. __. NEW SECTION. 12.91 GENERAL AND
28 SPECIFIC BONDING POWERS.

29 1. The treasurer of state may issue bonds for the
30 purpose of funding the grow Iowa values fund created
31 in section 15G.108. The treasurer of state shall have
32 all of the powers which are necessary to issue and
33 secure bonds and carry out the purposes of the fund.
34 The treasurer of state may issue bonds in principal
35 amounts which are necessary to provide sufficient
36 funds for the grow Iowa values fund, the payment of
37 interest on the bonds, the establishment of reserves
38 to secure the bonds, the costs of issuance of the
39 bonds, other expenditures of the treasurer of state
40 incident to and necessary or convenient to carry out
41 the bond issue for the fund, and all other
42 expenditures of the board necessary or convenient to
43 administer the fund. The bonds are investment
44 securities and negotiable instruments within the
45 meaning of and for purposes of the uniform commercial
46 code.

47 2. Bonds issued under this section are payable
48 solely and only out of the moneys, assets, or revenues
49 of the grow Iowa values fund and any bond reserve
50 funds established pursuant to section 12.92, all of

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1 which may be deposited with trustees or depositories
2 in accordance with bond or security documents and
3 pledged to the payment thereof. Bonds issued under
4 this section shall contain on their face a statement
5 that the bonds do not constitute an indebtedness of
6 the state. The treasurer of state shall not pledge
7 the credit or taxing power of this state or any
8 political subdivision of the state or make bonds

9 issued pursuant to this section payable out of any
10 moneys except those in the grow Iowa values fund.

11 3. The proceeds of bonds issued by the treasurer
12 of state and not required for immediate disbursement
13 may be deposited with a trustee or depository as
14 provided in the bond documents and invested or
15 reinvested in any investment as directed by the
16 treasurer of state and specified in the trust
17 indenture, resolution, or other instrument pursuant to
18 which the bonds are issued without regard to any
19 limitation otherwise provided by law.

20 4. The bonds shall be:

21 a. In a form, issued in denominations, executed in
22 a manner, and payable over terms and with rights of
23 redemption, and be subject to the terms, conditions,
24 and covenants providing for the payment of the
25 principal of, redemption premiums, if any, interest
26 which may be fixed or variable during any period the
27 bonds are outstanding, and such other terms and
28 conditions as prescribed in the trust indenture,
29 resolution, or other instrument authorizing their
30 issuance.

31 b. Negotiable instruments under the laws of the
32 state and may be sold at prices, at public or private
33 sale, and in a manner, as prescribed by the treasurer
34 of state. Chapters 73A, 74, 74A, and 75 do not apply
35 to the sale or issuance of the bonds.

36 c. Subject to the terms, conditions, and covenants
37 providing for the payment of the principal, redemption
38 premiums, if any, interest, and other terms,
39 conditions, covenants, and protective provisions
40 safeguarding payment, not inconsistent with this
41 section and as determined by the trust indenture,
42 resolution, or other instrument authorizing their
43 issuance.

44 5. The bonds are securities in which public
45 officers and bodies of this state, political
46 subdivisions of this state, insurance companies and
47 associations and other persons carrying on an
48 insurance business, banks, trust companies, savings
49 associations, savings and loan associations, and
50 investment companies; administrators, guardians,

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1 executors, trustees, and other fiduciaries; and other
2 persons authorized to invest in bonds or other
3 obligations of the state may properly and legally
4 invest funds, including capital, in their control or
5 belonging to them.

6 6. Bonds must be authorized by a trust indenture,
7 resolution, or other instrument of the treasurer of

8 state.

9 7. Neither the resolution, trust indenture, nor
10 any other instrument by which a pledge is created
11 needs to be recorded or filed under the Iowa uniform
12 commercial code to be valid, binding, or effective.

13 8. Bonds issued under the provisions of this
14 section are declared to be issued for a general public
15 and governmental purpose and all bonds issued under
16 this section shall be exempt from taxation by the
17 state of Iowa and the interest on the bonds shall be
18 exempt from the state income tax and the state
19 inheritance and estate tax.

20 9. Subject to the terms of any bond documents,
21 moneys in the grow Iowa values fund may be expended
22 for administration expenses.

23 10. The treasurer of state may issue bonds for the
24 purpose of refunding any bonds issued pursuant to this
25 section then outstanding, including the payment of any
26 redemption premiums thereon and any interest accrued
27 or to accrue to the date of redemption of the
28 outstanding bonds. Until the proceeds of bonds issued
29 for the purpose of refunding outstanding bonds are
30 applied to the purchase or retirement of outstanding
31 bonds or the redemption of outstanding bonds, the
32 proceeds may be placed in escrow and be invested and
33 reinvested in accordance with the provisions of this
34 section. The interest, income, and profits earned or
35 realized on an investment may also be applied to the
36 payment of the outstanding bonds to be refunded by
37 purchase, retirement, or redemption. After the terms
38 of the escrow have been fully satisfied and carried
39 out, any balance of proceeds and interest earned or
40 realized on the investments may be returned to the
41 treasurer of state for deposit in the grow Iowa values
42 fund established in section 15G.108. All refunding
43 bonds shall be issued and secured and subject to the
44 provisions of this chapter in the same manner and to
45 the same extent as other bonds issued pursuant to this
46 section.

47 11. The treasurer of state shall have all of the
48 powers which are necessary to issue and secure bonds,
49 including but not limited to the power to procure
50 insurance, other credit enhancements, and other

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1 financing arrangements, and to execute instruments and
2 contracts and to enter into agreements convenient or
3 necessary to facilitate financing arrangements with
4 respect to the bonds and to carry out the purposes of
5 the fund, including but not limited to such
6 arrangements, instruments, contracts, and agreements

7 as municipal bond insurance, self-insurance or
8 liquidity trusts, accounts, pools or other
9 arrangements, liquidity facilities or covenants,
10 letters of credit, and interest rate agreements.
11 12. For purposes of this section and sections
12 12.92 through 12.95, the term “bonds” means bonds,
13 notes, and other obligations and financing
14 arrangements issued or entered into by the treasurer
15 of state and the term “interest rate agreement” means
16 an interest rate swap or exchange agreement, an
17 agreement establishing an interest rate floor or
18 ceiling or both, or any similar agreement. Any such
19 agreement may include the option to enter into or
20 cancel the agreement or to reverse or extend the
21 agreement.

22 Sec. __. NEW SECTION. 12.92 GROW IOWA VALUES
23 FUND ACCOUNTS AND RESERVE FUNDS.

24 1. The treasurer of state shall establish such
25 accounts within the grow Iowa values fund created in
26 section 15G.108 as may be appropriate, including debt
27 service accounts for the purpose of paying the
28 principal of, redemption premium, if any, and interest
29 on bonds payable therefrom. Moneys in the debt
30 service accounts shall not be subject to appropriation
31 for any other purpose by the general assembly, but
32 shall be used only for the purposes of paying the
33 principal of, redemption premium, if any, and interest
34 on the bonds payable therefrom.

35 2. Revenue for the grow Iowa values fund shall
36 include, but is not limited to, the following, which
37 shall be deposited with the treasurer of state or its
38 designee as provided by any bond or security documents
39 and credited to the debt service account:

40 a. The proceeds of bonds issued to capitalize and
41 pay the costs of the fund and investment earnings on
42 the proceeds.

43 b. Interest attributable to investment of moneys
44 in the fund or an account of the fund.

45 c. Moneys in the form of a devise, gift, bequest,
46 donation, federal or other grant, reimbursement,
47 repayment, judgment, transfer, payment, or
48 appropriation from any source intended to be used for
49 the purposes of the fund or account.

50 3. a. The treasurer of state may create and

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1 establish one or more special funds, to be known as
2 “bond reserve funds”, to secure one or more issues of
3 bonds issued pursuant to section 12.91. The treasurer
4 of state shall pay into each bond reserve fund any
5 moneys appropriated and made available by the state or

6 treasurer of state for the purpose of the fund, any
7 proceeds of sale of bonds to the extent provided in
8 the resolutions or trust indentures authorizing their
9 issuance, and any other moneys which may be available
10 to the treasurer of state for the purpose of the fund
11 from any other sources. All moneys held in a bond
12 reserve fund, except as otherwise provided in this
13 chapter, shall be used as required solely for the
14 payment of the principal of bonds secured in whole or
15 in part by the fund or of the sinking fund payments
16 with respect to the bonds, the purchase or redemption
17 of the bonds, the payment of interest on the bonds, or
18 the payments of any redemption premium required to be
19 paid when the bonds are redeemed prior to maturity.

20 b. Moneys in a bond reserve fund shall not be
21 withdrawn from it at any time in an amount that will
22 reduce the amount of the fund to less than the bond
23 reserve fund requirement established for the fund, as
24 provided in this subsection, except for the purpose of
25 making, with respect to bonds secured in whole or in
26 part by the fund, payment when due of principal,
27 interest, redemption premiums, and the sinking fund
28 payments with respect to the bonds for the payment of
29 which other moneys of the treasurer of state are not
30 available.

31 Any income or interest earned by, or incremental
32 to, a bond reserve fund due to the investment of it
33 may be transferred by the treasurer of state to other
34 funds or accounts to the extent the transfer does not
35 reduce the amount of that bond reserve fund below the
36 bond reserve fund requirement for it.

37 c. The treasurer of state shall not at any time
38 issue bonds, secured in whole or in part by a bond
39 reserve fund, if, upon the issuance of the bonds, the
40 amount in the bond reserve fund will be less than the
41 bond reserve fund requirement for the fund, unless the
42 treasurer of state at the time of issuance of the
43 bonds deposits in the fund from the proceeds of the
44 bonds issued or from other sources an amount which,
45 together with the amount then in the fund, will not be
46 less than the bond reserve fund requirement for the
47 fund. For the purposes of this subsection, the term
48 "bond reserve fund requirement" means, as of any
49 particular date of computation, an amount of money, as
50 provided in the resolutions or trust indentures

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1 authorizing the bonds with respect to which the fund
2 is established.

3 d. To assure the continued solvency of any bonds
4 secured by the bond reserve fund, provision is made in

5 paragraph "a" for the accumulation in each bond
6 reserve fund of an amount equal to the bond reserve
7 requirement for the fund. In order to further assure
8 maintenance of the bond reserve funds, the treasurer
9 of state shall, on or before January 1 of each
10 calendar year, make and deliver to the governor the
11 treasurer of state's certificate stating the sum, if
12 any, required to restore each bond reserve fund to the
13 bond reserve fund requirement for that fund. Within
14 thirty days after the beginning of the session of the
15 general assembly next following the delivery of the
16 certificate, the governor shall submit to both houses
17 printed copies of a budget including the sum, if any,
18 required to restore each bond reserve fund to the bond
19 reserve fund requirement for that fund. Any sums
20 appropriated by the general assembly and paid to the
21 treasurer of state pursuant to this subsection shall
22 be deposited by the treasurer of state in the
23 applicable bond reserve fund.

24 Sec. __. NEW SECTION. 12.93 PLEDGES.

25 1. It is the intention of the general assembly
26 that a pledge made in respect of bonds shall be valid
27 and binding from the time the pledge is made, that the
28 moneys or property so pledged and received after the
29 pledge by the treasurer of state shall immediately be
30 subject to the lien of the pledge without physical
31 delivery or further act, and that the lien of the
32 pledge shall be valid and binding as against all
33 parties having claims of any kind in tort, contract,
34 or otherwise against the treasurer of state whether or
35 not the parties have notice of the lien.

36 2. The moneys set aside in a fund or funds pledged
37 for any series or issue of bonds shall be held for the
38 sole benefit of the series or issue separate and apart
39 from moneys pledged for another series or issue of
40 bonds of the treasurer of state. Bonds may be issued
41 in series under one or more resolutions or trust
42 indentures and may be fully open-ended, thus providing
43 for the unlimited issuance of additional series, or
44 partially open-ended, limited as to additional series.

45 Sec. __. NEW SECTION. 12.94 LIMITATIONS.

46 Bonds issued pursuant to section 12.91 are not
47 debts of the state, or of any political subdivision of
48 the state, and do not constitute a pledge of the faith
49 and credit of the state or a charge against the
50 general credit or general fund of the state. The

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1 issuance of any bonds pursuant to section 12.91 by the
2 treasurer of state does not directly, indirectly, or
3 contingently obligate the state or a political

4 subdivision of the state to apply moneys, or to levy
 5 or pledge any form of taxation whatever, to the
 6 payment of the bonds. Bonds issued under section
 7 12.91 are payable solely and only from the sources and
 8 special fund and accounts provided in section 12.92.

9 Sec. ____ NEW SECTION. 12.95 CONSTRUCTION.
 10 Sections 12.91 through 12.94, being necessary for
 11 the welfare of this state and its inhabitants, shall
 12 be liberally construed to effect its purposes.

13 Sec. ____ Section 15G.108, Code Supplement 2003,
 14 is amended to read as follows:

15 15G.108 GROW IOWA VALUES FUND.

16 A grow Iowa values fund is created and established
 17 as a separate and distinct fund in the state treasury
 18 under the control of the grow Iowa values board
 19 consisting of moneys appropriated to the grow Iowa
 20 values board. Moneys in the fund are not subject to
 21 section 8.33. Notwithstanding section 12C.7, interest
 22 or earnings on moneys in the fund shall be credited to
 23 the fund. Moneys in the fund shall not be subject to
 24 appropriation for any other purposes by the general
 25 assembly other than as provided in this Act and 2003
 26 Iowa Acts, First Extraordinary Session, chapter 2, but
 27 shall be used only for the purposes of the grow Iowa
 28 values fund. The treasurer of state shall act as
 29 custodian of the fund and disburse moneys contained in
 30 the fund as directed by the grow Iowa values board,
 31 including automatic disbursements of moneys received
 32 pursuant to the terms of bond indentures and documents
 33 and security provisions to trustees. The fund shall
 34 be administered by the grow Iowa values board, which
 35 shall make expenditures from the fund consistent with
 36 this chapter and pertinent Acts of the general
 37 assembly. Any financial assistance provided using
 38 moneys from the fund may be provided over a period of
 39 time of more than one year. Payments of interest,
 40 repayments of moneys loaned pursuant to this chapter,
 41 and recaptures of grants or loans shall be deposited
 42 in the fund.

43 Sec. ____ Section 15G.110, Code Supplement 2003,
 44 is amended to read as follows:

45 15G.110 FUTURE CONSIDERATION.

46 Not later than February 1, 2007, the legislative
 47 services agency shall prepare and deliver to the
 48 secretary of the senate and the chief clerk of the
 49 house of representatives identical bills that repeal
 50 the provisions of this chapter, with the exception of

3 assembly shall bring the bill to a vote in either the
4 senate or the house of representatives expeditiously.
5 It is further the intent of this chapter that if the
6 bill is approved by the first house in which it is
7 considered, it shall expeditiously be brought to a
8 vote in the second house.

9 Sec. ____ Section 99G.39, subsection 3, paragraph
10 a, Code Supplement 2003, is amended to read as
11 follows:

12 a. Notwithstanding subsection 1, if gaming
13 revenues under sections 99D.17 and 99F.11 are
14 insufficient in a fiscal year to meet the total amount
15 of such revenues directed to be deposited in the grow
16 Iowa values fund, the vision Iowa fund, and the school
17 infrastructure fund during the fiscal year pursuant to
18 section 8.57, subsection 5, paragraph “e”, the
19 difference shall be paid from lottery revenues prior
20 to deposit of the lottery revenues in the general
21 fund. If lottery revenues are insufficient during the
22 fiscal year to pay the difference, the remaining
23 difference shall be paid from lottery revenues in
24 subsequent fiscal years as such revenues become
25 available.

26 Sec. ____ 2003 Iowa Acts, First Extraordinary
27 Session, chapter 1, section 114, is amended to read as
28 follows:

29 SEC. 114. The divisions of this Act designated the
30 grow Iowa values board and fund, with the exception of
31 sections 15G.101, 15G.102, 15G.103, and 15G.108, Code
32 Supplement 2003, the value-added agricultural products
33 and processes financial assistance program, the endow
34 Iowa grants, the technology transfer advisors, the
35 Iowa economic development loan and credit guarantee
36 fund, the economic development assistance and data
37 collection, the cultural and entertainment districts,
38 the workforce issues, and the university-based
39 research utilization program, are repealed effective
40 June 30, 2010.”

41 3. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
HERMAN C. QUIRMBACH
MATT W. McCOY
JACK HOLVECK
JOE M. SENG
ROBERT E. DVORSKY
MIKE CONNOLLY
WALLY E. HORN
JOHN P. KIBBIE
JACK HATCH
MICHAEL E. GRONSTAL
AMANDA RAGAN

KEITH A. KREIMAN
 THOMAS G. COURTNEY
 ROGER STEWART
 DARYL BEALL

S-5206

1 Amend Senate Joint Resolution 2010 as follows:
 2 1. By striking everything after the resolving
 3 clause and inserting the following:
 4 "Section 1. The following amendment to the
 5 Constitution of the State of Iowa is proposed:
 6 The Constitution of the State of Iowa is amended by
 7 adding the following new sections to new Article XIII:
 8 ARTICLE XIII
 9 PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES
 10 PEOPLE'S RIGHT TO VOTE ON TAX OR FEE INCREASES.
 11 SECTION 1. If all tax and fee increases adopted in a
 12 fiscal year would produce new annual revenue exceeding
 13 one percent of total state general fund revenue
 14 received in the preceding fiscal year, excluding
 15 transfers from other state funds, the increases shall
 16 be submitted to the electors, starting with the
 17 largest increase and including increases in descending
 18 order, except the remaining increases that total one
 19 percent or less. All increases of any one tax or fee
 20 shall together be regarded as one increase. An
 21 adopted tax or fee increase required by this article
 22 to be submitted to the electors shall take effect only
 23 if submitted to the electors at the next state general
 24 election and approved by a majority of the electors
 25 voting thereon.
 26 APPLICATION. SEC. 2. In this article:
 27 1. "Local governments" includes all political
 28 subdivisions.
 29 2. "Increase" includes, but is not limited to,
 30 imposing a new tax or fee; raising a rate or amount;
 31 repealing, reducing, or delaying an exemption,
 32 deduction, credit, exclusion, reduction, or indexing
 33 requirement; or broadening the base or scope of a tax
 34 or fee in any way.
 35 3. "Increase" includes legislation that allows or
 36 requires one or more local governments, with or
 37 without approval by local electors, to impose or
 38 increase any tax on income, sales, or property, but
 39 excludes legislation in which the only subject matter
 40 is establishment of the state percentage of growth for
 41 school foundation aid.
 42 4. "Increase" of property tax includes legislation
 43 that has the effect of reducing total state funds
 44 transferred to all local governments in a fiscal year
 45 in comparison with the preceding fiscal year, taking

46 into account all legislation increasing or reducing
47 such transfers.
48 5. "Increase" of property tax includes legislation
49 that has the effect of requiring local governments to
50 incur aggregate net cost increases in a fiscal year,

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1 after deducting increased transfers of state funds for
2 the express purpose of offsetting those cost
3 increases. Such increased transfers shall be deducted
4 under this subsection and not under subsection 4.

5 6. "New annual revenue" means the estimated net
6 increase over the fiscal year preceding adoption in
7 total state general fund revenue produced by the total
8 of all tax and fee increases adopted in a fiscal year,
9 less estimated refunds payable as a result of the
10 increases, all as estimated for the fiscal year in
11 which all such increases are adopted, as if all such
12 increases and refunds were fully effective and
13 entirely implemented for that full fiscal year.
14 Actual amounts, if known, shall be used instead of
15 estimates. "New annual revenue" does not include
16 revenue that the general assembly intends to
17 appropriate for purposes of public safety or homeland
18 security.

19 7. "Adopted" or "adoption" means that after 2006,
20 a bill has been passed and all requirements of article
21 III have been met, so that the bill would become law
22 except for the requirements of this article.

23 8. This article does not apply to taxes and fees
24 subject to article VII, sections 5 and 8.

25 **EMERGENCY. SEC. 3.** A temporary exception to the
26 preceding requirements of this article shall be
27 allowed only to this extent and only if all these
28 conditions are met: (1) the Governor requests the
29 General Assembly to adopt an emergency tax increase
30 for only one specified fiscal year; (2) the request
31 specifically states the nature of the emergency, the
32 expenditures needed to respond to the emergency, and
33 the proposed tax increase to pay for the emergency
34 expenditures for that year; and (3) a law declaring
35 an emergency and providing an emergency tax increase
36 in accordance with the Governor's specific request is
37 passed by a vote of two-thirds of all the members
38 elected to each branch of the General Assembly and is
39 approved by the Governor. Such law shall not be
40 passed more than four months prior to the fiscal year
41 to which it applies. Such law must be enacted prior
42 to obligating any requested emergency expenditures.

43 **ENFORCEMENT. SEC. 4.** Any citizen or taxpayer may,
44 within two years after a tax or fee increase is

45 adopted, bring suit to enforce compliance with this
 46 article. If no such suit is filed within the two-year
 47 period, the elector approval requirement for that tax
 48 or fee increase is negated. The Supreme Court shall
 49 have original jurisdiction of any such suit. The
 50 Supreme Court shall invalidate any increase which

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1 should have been, but was not, submitted to the
 2 electors as required by this article and shall order
 3 that the revenue collected in violation of this
 4 article be refunded or applied to reduce future taxes.
 5 A citizen or taxpayer who brings suit and prevails
 6 shall receive from the state the costs of the suit,
 7 including reasonable attorney fees.
 8 CONTINGENT EFFECTIVE DATE. SEC. 5. This article
 9 shall first take effect January 1 following the
 10 regular session of the General Assembly in which all
 11 of the following has occurred:
 12 1. The General Assembly fully funds all statutory
 13 obligations relating to kindergarten through grade
 14 twelve funding.
 15 2. The General Assembly fully funds all property
 16 tax credits provided by statute.
 17 3. The General Assembly fully funds the
 18 implementation of all state mandates on local
 19 governments or, in the alternative, the General
 20 Assembly repeals all state mandates on local
 21 governments that are not fully funded by the General
 22 Assembly.
 23 IMPLEMENTATION. SEC. 6. This article shall be
 24 interpreted and implemented to achieve its purpose to
 25 increase the electors' control of taxes and fees. The
 26 General Assembly shall enact laws to implement this
 27 article.
 28 Sec. 2. REFERRAL AND PUBLICATION. The foregoing
 29 proposed amendment to the Constitution of the State of
 30 Iowa is referred to the General Assembly to be chosen
 31 at the next general election for members of the
 32 General Assembly, and the Secretary of State is
 33 directed to cause it to be published for three
 34 consecutive months previous to the date of that
 35 election as provided by law.”

MICHAEL E. GRONSTAL
 KEITH A. KREIMAN
 JOHN P. KIBBIE
 GENE FRAISE

S-5207

1 Amend House File 2187, 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. DENTAL ASSISTANT EXAMINATIONS —
6 INTERIM STUDY.
7 1. The legislative council is requested to
8 establish an interim study committee regarding
9 examination requirements relating to dental
10 assistants. One member from the majority party and
11 one member of the minority party from each chamber of
12 the general assembly shall serve on the study
13 committee, together with members representing the
14 board of dental examiners, the Iowa dental
15 association, the Iowa department of public health, the
16 Iowa dental assistants' association, and a community
17 college offering a dental assisting education program.
18 The committee shall evaluate the merits of requiring
19 an examination as a prerequisite for being registered
20 as a dental assistant.
21 2. The committee shall report its findings to the
22 general assembly by November 1, 2004."
23 2. Title page, by striking lines 1 through 3 and
24 inserting the following: "An Act relating to the
25 establishment of a legislative interim study committee
26 to conduct an evaluation of examination requirements
27 for registered dental assistants."

MIKE CONNOLLY

S-5208

1 Amend Senate File 2298 as follows:
2 1. Page 177, by inserting after line 3 the
3 following:
4 "Sec. ___. Section 28.3, subsection 2, Code 2003,
5 is amended to read as follows:
6 2. The Iowa board shall consist of ~~seventeen~~
7 eighteen voting members with thirteen citizen members
8 and ~~four five~~ state agency members. The ~~four five~~
9 state agency members shall be the directors of the
10 following departments: economic development,
11 education, human rights, human services, and public
12 health. The thirteen citizen members shall be
13 appointed by the governor, subject to confirmation by
14 the senate. The governor's appointments of citizen
15 members shall be made in a manner so that each of the
16 state's congressional districts is represented by two
17 citizen members and so that all the appointments as a
18 whole reflect the ethnic, cultural, social, and

19 economic diversity of the state. The governor's
 20 appointees shall be selected from individuals
 21 nominated by community empowerment area boards. The
 22 nominations shall reflect the range of interests
 23 represented on the community boards so that the
 24 governor is able to appoint one or more members each
 25 for education, health, human services, business,
 26 faith, and public interests. At least one of the
 27 citizen members shall be a service consumer or the
 28 parent of a service consumer. Terms of office of all
 29 citizen members are three years. A vacancy on the
 30 board shall be filled in the same manner as the
 31 original appointment for the balance of the unexpired
 32 term."
 33 2. By renumbering as necessary.

MAGGIE TINSMAN

S-5209

1 Amend Senate File 2298 as follows:
 2 1. Page 19, by inserting after line 22 the
 3 following:
 4 "Sec. ____ NEW SECTION. 476.4B LOW-INCOME
 5 UTILITY CUSTOMERS.
 6 Notwithstanding any other provisions of this
 7 chapter or any law to the contrary, the board may
 8 approve upon the terms and conditions in an
 9 application, tariff, or settlement agreement proposed
 10 or recommended by an electric or gas corporation,
 11 programs for assisting low-income residential
 12 ratepayers in obtaining or maintaining access to
 13 reliable, continuous utility service to such low-
 14 income utility customers. The board may also approve
 15 energy efficiency, weatherization, and evaluation
 16 components as part of such programs. All programs,
 17 tariffs, agreements, or rule provisions that provide
 18 for such assistance shall include terms for adjusting
 19 rates as necessary to ensure that the program, tariff,
 20 agreement, or rule provision will not have any
 21 negative financial impact on the electric or gas
 22 corporation. This section shall not be construed as
 23 diminishing the board's existing authority to approve
 24 on an experimental basis low-income assistance
 25 programs proposed by an electric or gas corporation."
 26 2. By renumbering as necessary.

JACK HATCH

S-5210

1 Amend Senate File 2298 as follows:

2 1. Page 29, by inserting after line 24 the

3 following:

4 "5. For deposit in the revitalizing rural Iowa

5 fund:

6 \$ 50,000,00"

7 2. Page 36, by inserting after line 33 the

8 following:

9 "Sec. ____ NEW SECTION. 15E.231 REVITALIZING

10 RURAL IOWA PROGRAM — REVITALIZING RURAL IOWA FUND.

11 1. The department shall establish and administer a

12 revitalizing rural Iowa program for purposes of

13 providing financial assistance in the form of grants

14 to regional rural economic development groups.

15 Financial assistance received under this program shall

16 be used for any of the following purposes:

17 a. Infrastructure, cultural, or recreational needs

18 which are critical to attracting, creating, or

19 expanding employment in the area.

20 b. Making no-interest or low-interest loans to new

21 businesses and existing small businesses.

22 c. Developing volunteer mentoring programs in

23 cooperation with local schools, economic development

24 groups, and others to assist individuals in starting

25 new businesses.

26 d. Developing or expanding businesses involved in

27 value-added agricultural products.

28 e. Expanding school-to-work mentoring and

29 apprenticeship programs in schools, particularly for

30 those students interested in working in agricultural-

31 related businesses.

32 2. A revitalizing rural Iowa fund is created in

33 the state treasury under the control of the department

34 consisting of any moneys appropriated by the general

35 assembly for the purposes of the revitalizing rural

36 Iowa program and any other moneys available to and

37 obtained or accepted by the department for placement

38 in the fund. The fund shall be used to provide grants

39 under the revitalizing rural Iowa program established

40 in this section. Moneys in the fund are not subject

41 to section 8.33. Notwithstanding section 12C.7,

42 interest or earnings on moneys in the fund shall be

43 credited to the fund.

44 Sec. ____ NEW SECTION. 266.51 APPROPRIATION.

45 For the fiscal year beginning July 1, 2005, and

46 each fiscal year thereafter, there is appropriated

47 from the general fund to Iowa state university of

48 science and technology twenty million one hundred

49 forty thousand one hundred seventy-five dollars for

50 salaries, support, maintenance, and miscellaneous

Page 2

- 1 purposes for the Iowa cooperative extension service in
- 2 agriculture and home economics.”
- 3 3. By renumbering as necessary.

KEITH A. KREIMAN
 JOE BOLKCOM
 JOHN P. KIBBIE
 MICHAEL E. GRONSTAL
 WILLIAM A. DOTZLER, JR.
 AMANDA RAGAN
 THOMAS G. COURTNEY
 DARYL BEALL
 ROGER STEWART
 WALLY E. HORN
 ROBERT E. DVORSKY
 JOE M. SENG
 JACK HATCH
 GENE FRAISE
 MIKE CONNOLLY

S-5211

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 51, by inserting after line 19 the
- 3 following:
- 4 “Sec. ___. SCHOOL FINANCE FORMULA APPROPRIATION.
- 5 Notwithstanding section 8.22A, subsection 3, or any
- 6 other provision of law to the contrary, the revenue
- 7 estimate agreed to by the revenue estimating
- 8 conference at its March 19, 2004, meeting shall be
- 9 used in determining the state general fund expenditure
- 10 limitation for the fiscal year beginning July 1, 2004.
- 11 The amount of the increase in the expenditure
- 12 limitation over the limitation based upon the revenue
- 13 estimate agreed to by the revenue estimating
- 14 conference at its December 8, 2003, meeting shall be
- 15 appropriated to the department of education for
- 16 distribution pursuant to section 257.16 to pay
- 17 foundation aid and supplementary aid under section
- 18 257.4, subsection 2. The amount appropriated in this
- 19 section shall be distributed on a per pupil basis to
- 20 school districts based upon the district’s budget
- 21 enrollment.”
- 22 2. Page 62, by inserting after line 34 the
- 23 following:
- 24 “Sec. ___. Section 257.35, subsection 2, Code
- 25 Supplement 2003, is amended by striking the
- 26 subsection.”

MICHAEL E. GRONSTAL
 GENE FRAISE
 JOHN P. KIBBIE
 MIKE CONNOLLY
 ROBERT E. DVORSKY
 DICK L. DEARDEN
 JACK HOLVECK
 JOE M. SENG
 WALLY E. HORN
 KEITH A. KREIMAN
 DENNIS H. BLACK
 THOMAS G. COURTNEY
 JOE BOLKCOM
 AMANDA RAGAN
 STEVE WARNSTADT
 DARYL BEALL
 WILLIAM A. DOTZLER, JR.
 MATT W. McCOY
 JACK HATCH
 ROGER STEWART
 HERMAN C. QUIRMBACH

S-5212

1 Amend Senate File 2298 as follows:
 2 1. Page 39, line 18, by striking the figure
 3 "1,029,784" and inserting the following: "1,129,784".
 4 2. By striking page 187, line 32, through page
 5 193, line 26 and inserting the following:
 6 "Sec. ___. PAYMENTS IN LIEU OF GENERAL FUND
 7 REIMBURSEMENT. Notwithstanding the amount of the
 8 standing appropriation from the general fund of the
 9 state in the following designated sections and
 10 notwithstanding any conflicting provisions or voting
 11 requirements of section 8.56, there is appropriated
 12 from the cash reserve fund in lieu of the
 13 appropriations in the following designated sections
 14 for the fiscal year beginning July 1, 2004, and ending
 15 June 30, 2005, the following amounts for the following
 16 designated purposes:
 17 1. For reimbursement for the homestead property
 18 tax credit under section 425.1:
 19 \$ 120,400,000
 20 2. For reimbursement for the agricultural land and
 21 family farm tax credits under sections 425A.1 and
 22 426.1:
 23 \$ 39,100,000
 24 3. For reimbursement for the military service tax
 25 credit under section 426A.1A:
 26 \$ 2,568,402
 27 4. For implementing the elderly and disabled
 28 credit and reimbursement pursuant to sections 425.16

29 through 425.40:
 30 \$ 19,540,000
 31 If the sum of the amount of claims for credit for
 32 property taxes due plus the amount of claims for
 33 reimbursement for rent constituting property tax paid
 34 which are to be paid during the fiscal year beginning
 35 July 1, 2004, exceeds the amount appropriated in this
 36 subsection, the director of revenue shall prorate the
 37 payments for the property tax credit and for
 38 reimbursement for rent constituting property tax paid.
 39 In order for the director to carry out the
 40 requirements of this subsection, notwithstanding any
 41 provision to the contrary in chapter 425, claims for
 42 reimbursement for rent constituting property taxes
 43 paid filed before May 1, 2005, shall be eligible to be
 44 paid during the fiscal year ending June 30, 2005, and
 45 those claims filed on or after May 1, 2005, shall be
 46 eligible to be paid during the fiscal year beginning
 47 July 1, 2005, and the director is not required to make
 48 payments to counties for the property tax credit
 49 before June 15, 2005.”

HERMAN C. QUIRMBACH
 DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 MIKE CONNOLLY
 THOMAS G. COURTNEY
 DICK L. DEARDEN
 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
 GENE FRAISE
 MICHAEL E. GRONSTAL
 JACK HATCH
 JACK HOLVECK
 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT W. McCOY
 AMANDA RAGAN
 JOE M. SENG
 ROGER STEWART
 STEVE WARNSTADT

S-5213

- 1 Amend the amendment, S-5177, to Senate File 2298,
- 2 as follows:
- 3 1. Page 4, by striking lines 24 through 31.

- 4 2. Page 4, line 32, by striking the word "Sec."
5 and inserting the following: ""Sec."

RICHARD F. DRAKE

S-5214

HOUSE AMENDMENT TO
SENATE FILE 2149

- 1 Amend Senate File 2149, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by inserting after line 2 the
4 following:
5 "Sec. ____ Section 99B.7, subsection 3, paragraph
6 a, Code Supplement 2003, is amended to read as
7 follows:
8 a. A person wishing to conduct games and raffles
9 pursuant to this section as a qualified organization
10 shall submit an application and a license fee of one
11 hundred fifty dollars. The annual license fee for a
12 statewide raffle license shall be one hundred fifty
13 dollars. However, upon submission of an application
14 accompanied by a license fee of fifteen dollars, a
15 person may be issued a limited license to conduct all
16 games and raffles pursuant to this section at a
17 specified location and during a specified period of
18 fourteen consecutive calendar days, except that bingo
19 may only be conducted once per each seven consecutive
20 calendar days of the specified period. In addition, a
21 qualified organization may be issued a limited license
22 to conduct raffles pursuant to this section for a
23 period of ninety days for a license fee of forty
24 dollars or for a period of one hundred eighty days for
25 a license fee of seventy-five dollars. For the
26 purposes of this paragraph, a limited license is
27 deemed to be issued on the first day of the period for
28 which the license is issued."
29 2. By renumbering as necessary.

S-5215

HOUSE AMENDMENT TO
SENATE FILE 2173

- 1 Amend Senate File 2173, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 12, by inserting after the word
4 "standards" the following: "for oral fluid tests".
5 2. Page 1, line 18, by striking the words "blood,
6 urine, or".

S-5216

- 1 Amend the amendment, S-5188, to Senate File 2298 as
 2 follows:
 3 1. Page 1, by inserting after line 1 the
 4 following:
 5 “___ Page 28, line 15, by striking the figure
 6 “6,084,500” and inserting the following:
 7 “5,784,500.”
 8 2. By renumbering as necessary.

PAUL MCKINLEY

S-5217HOUSE AMENDMENT TO
SENATE FILE 297

- 1 Amend Senate File 297, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 4, line 5, by inserting after the word
 4 “Code” the following: “Supplement”.
 5 2. Page 4, line 17, by striking the words
 6 “~~identification registration~~” and inserting the
 7 following: “registration”.
 8 3. Page 16, line 19, by inserting after the word
 9 “Code” the following: “Supplement”.
 10 4. Page 16, line 25, by striking the words
 11 “~~identification registration~~” and inserting the
 12 following: “registration”.
 13 5. Page 27, line 24, by inserting after the word
 14 “Code” the following: “Supplement”.
 15 6. Page 28, line 1, by striking the words “~~an a~~
 16 vehicle” and inserting the following: “a vehicle”.
 17 7. Page 28, line 4, by striking the words “~~an a~~
 18 vehicle” and inserting the following: “a vehicle”.
 19 8. Page 28, line 13, by striking the word
 20 “vehicle” and inserting the following: “vehicle”.
 21 9. Page 28, line 16, by striking the words “~~an a~~
 22 vehicle” and inserting the following: “a vehicle”.
 23 10. Page 28, line 18, by striking the word
 24 “vehicle” and inserting the following: “vehicle”.
 25 11. Page 28, line 21, by striking the word
 26 “vehicle” and inserting the following: “vehicle”.
 27 12. Page 47, line 6, by inserting before the word
 28 “LANDOWNERS” the following: “PRIOR”.
 29 13. Page 47, by striking lines 7 through 18 and
 30 inserting the following:
 31 “Prior owners of land on which an all-terrain
 32 vehicle recreational riding area is established,
 33 maintained, or operated owe no duty of care to keep
 34 the land safe for entry or use by persons operating an

35 all-terrain vehicle or to give any warning of a
36 dangerous condition, use, structure, or activity on
37 such premises that would make the land unsafe for all-
38 terrain vehicle usage.”

39 14. Page 57, line 2, by inserting after the word
40 “Code” the following: “Supplement”.

41 15. Page 58, by inserting after line 3 the
42 following:

43 “3. An all-terrain vehicle that is owned by the
44 owner of land adjacent to a highway, other than an
45 interstate road, may be operated by the owner of the
46 all-terrain vehicle, or by a member of the owner’s
47 family, on the portion of the highway right-of-way
48 that is between the shoulder of the roadway, or at
49 least five feet from the edge of the roadway, and the
50 owner’s property line.”

Page 2

1 16. Page 58, line 4, by striking the figure “3.”
2 and inserting the following: “4.”

3 17. Page 58, line 7, by inserting after the word
4 “Code” the following: “Supplement”.

5 18. Page 58, line 11, by striking the word and
6 figure “1, Code” and inserting the following: “2,
7 Code Supplement”.

8 19. Page 58, line 13, by striking the figure “1.”
9 and inserting the following: “2.”

10 20. Page 58, by striking lines 15 through 18.

11 21. Page 58, line 19, by inserting after the word
12 “Code” the following: “Supplement”.

13 22. Page 58, lines 25 and 26, by striking the
14 words and figures “~~and 327G.15, 321I.10, and 321I.16.~~”
15 and inserting the following: “321I.10, and 327G.15.”

16 23. Page 58, line 28, by inserting after the word
17 “Code” the following: “Supplement”.

18 24. Page 59, line 2, by striking the words and
19 figure “and chapter 405A,”.

20 25. Page 59, line 3, by inserting after the word
21 “Code” the following: “Supplement”.

22 26. Page 60, line 4, by inserting after the word
23 “Code” the following: “Supplement”.

24 27. Page 61, line 16, by striking the words
25 “~~twenty one hundred~~” and inserting the following:
26 “twenty”.

27 28. Page 61, line 17, by striking the words “~~the~~
28 a registration” and inserting the following: “the”.

29 29. Page 61, line 18, by inserting after the word
30 “registration” the following: “or user permit”.

31 30. Page 61, line 23, by striking the words
32 “~~twenty one hundred~~” and inserting the following:
33 “twenty”.

- 34 31. Page 62, by inserting after line 16 the
 35 following:
 36 “Sec. ___ Section 321G.22A, Code Supplement 2003,
 37 is repealed.”
 38 32. Page 62, by striking lines 21 through 30 and
 39 inserting the following: “after January 1, 2005.”
 40 33. Title page, line 3, by striking the words
 41 “applicability dates.” and inserting the following:
 42 “an applicability date.”
 43 34. By renumbering, relettering, or redesignating
 44 and correcting internal references as necessary.

S-5218

HOUSE AMENDMENT TO
 SENATE FILE 2177

- 1 Amend Senate File 2177, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 2, by striking lines 4 through 17 and
 4 inserting the following: “school and its employees
 5 are to incur no liability, except for gross
 6 negligence, as a result of any injury arising from
 7 self-administration of medication by the student. The
 8 parent or guardian of the student shall sign a
 9 statement acknowledging that the school district or
 10 nonpublic school is to incur no liability, except for
 11 gross negligence, as a result of self-administration
 12 of medication by the student. A school district or
 13 accredited nonpublic school and its employees acting
 14 reasonably and in good faith shall incur no liability
 15 for any improper use of medication as defined in this
 16 section or for supervising, monitoring, or interfering
 17 with a student’s self-administration of medication as
 18 defined in this section.”
 19 2. Page 2, by inserting after line 34 the
 20 following:
 21 “7. The Iowa braille and sight saving school, the
 22 state school for the deaf, and the institutions under
 23 the control of the department of human services as
 24 provided in section 218.1 are exempt from the
 25 provisions of this section.”
 26 3. By renumbering, relettering, or redesignating
 27 and correcting internal references as necessary.

S-5219

- 1 Amend Senate File 2298 as follows:
 2 1. Page 177, by inserting after line 25 the
 3 following:
 4 “Sec. ___. Section 208.16, subsection 2, Code
 5 2003, is amended to read as follows:

6 2. The division may establish procedures for
 7 transferring the responsibility for reclamation of a
 8 mine site to a state agency or political subdivision,
 9 or to a private entity, which intends to use the site
 10 for other purposes. The division, with agreement from
 11 the receiving agency or subdivision, or from a private
 12 entity, to complete adequate reclamation, may approve
 13 the transfer of responsibility, release the bond or
 14 security, and terminate or amend the operator's
 15 authorization to conduct mining on the site."
 16 2. By renumbering as necessary.

DARYL BEALL
 STEVE WARNSTADT
 STEWART E. IVERSON, JR.

S-5220

1 Amend Senate File 2298 as follows:
 2 1. Page 177, by inserting after line 3 the
 3 following:
 4 "Sec. ____ Section 8.55, subsection 2, paragraph
 5 d, Code Supplement 2003, is amended to read as
 6 follows:
 7 d. Notwithstanding paragraph "a", any moneys in
 8 excess of the maximum balance in the economic
 9 emergency fund after the distribution of the surplus
 10 in the general fund of the state at the conclusion of
 11 each fiscal year and after the appropriate amounts
 12 have been transferred pursuant to paragraphs "b" and
 13 "c" shall not be transferred to the general fund of
 14 the state but shall be transferred to the endowment
 15 for Iowa's health account of the tobacco settlement
 16 trust fund. The total amount transferred, in the
 17 aggregate, under this paragraph for all fiscal years
 18 shall not exceed the difference between one hundred
 19 ~~one~~ thirty-one million ~~seven~~ five hundred ~~fifty-one~~
 20 thirty-six thousand dollars and the amounts
 21 transferred to the endowment for Iowa's health account
 22 to repay the amounts transferred or appropriated from
 23 the endowment for Iowa's health account in 2002 Iowa
 24 Acts, chapter 1165, 2002 Iowa Acts, chapter 1166, 2002
 25 Iowa Acts, chapter 1167, 2002 Iowa Acts, Second
 26 Extraordinary Session, chapter 1003, and 2003 Iowa
 27 Acts, chapter 183, and 2004 Iowa Acts, Senate File
 28 2298."

BOB BRUNKHORST

S-5221

- 1 Amend Senate File 2298 as follows:
- 2 1. Page 42, line 6, by inserting after the word
3 “state.” the following: “The department shall
4 strongly encourage school districts to seek direct
5 claiming under the medical assistance program for
6 funding of school district nursing services for
7 students.”
- 8 2. Page 53, line 19, by inserting after the word
9 “encumbered” the following: “and shall not be
10 expended for any purpose”.
- 11 3. Page 53, line 35, by inserting after the word
12 “encumbered” the following: “, may be expended.”.
- 13 4. Page 55, by inserting after line 16, the
14 following:
15 “The university of Iowa hospitals and clinics, in
16 cooperation with the department of corrections, shall
17 study the utilization of the indigent patient care
18 program by department of corrections’ inmates and
19 shall submit a report to the governor and the general
20 assembly on or before January 1, 2005, regarding
21 recommendations to improve the efficiency and cost-
22 effectiveness of the care provided to the inmates.”
- 23 5. Page 68, by inserting after line 2, the
24 following:
25 “2A. Of the funds appropriated in this section,
26 \$49,000 shall be used, in addition to any other funds
27 appropriated in this Act, for provision of training to
28 resident advocate committees for elder group homes, as
29 defined in section 231B.1, and licensed health care
30 facilities as defined in section 135C.1.”
- 31 6. Page 73, by striking lines 25 through 27 and
32 inserting the following: “equivalent positions for
33 program services and investigations. Fees”.
- 34 7. Page 73, line 35, by striking the figure
35 “406,707” and inserting the following: “680,707”.
- 36 8. Page 80, line 17, by striking the figure
37 “19,480,254” and inserting the following:
38 “16,280,254”.
- 39 9. Page 81, line 11, by striking the figure
40 “30,275,728” and inserting the following:
41 “33,475,728”.
- 42 10. Page 97, by inserting before line 6 the
43 following:
44 “___ The department shall assist school districts
45 in applying for direct claiming under the medical
46 assistance program for funding of school district
47 nursing services for students.”
- 48 11. Page 98, line 6, by striking the word
49 “intermediary” and inserting the following: “agent”.
- 50 12. Page 98, by striking lines 24 through 28, and

Page 2

1 inserting the following:
2 "c. Implement a health insurance data match
3 program with insurance carriers to be used to match
4 insureds against".
5 13. Page 98, by striking lines 32 and 33, and
6 inserting the following: "confidential. The
7 department, in consultation with insurance carriers,
8 shall adopt rules to implement this paragraph. The
9 rules shall be published as emergency rules to take
10 effect no later than June 30, 2004. Insurance
11 carriers shall begin providing the information
12 required upon the adoption of the rules."
13 14. Page 99, by striking lines 6 through 9.
14 15. Page 99, by striking lines 14 through 19.
15 16. By striking page 99, line 20, through page
16 100, line 2, and inserting the following:
17 "h. Provide that under the Iowa preferred drug
18 list requirements, any newly released generic drug
19 product shall only be considered to be a preferred
20 drug and therefore not subject to prior authorization
21 if the generic product's cost to the medical
22 assistance program is less than the brand name
23 product's cost to the medical assistance program. In
24 determining the medical assistance program cost of
25 each drug product, the drug product cost shall be the
26 net amount derived following inclusion of all medical
27 assistance program drug rebates and after the impact
28 of all Iowa-specific supplemental rebates are taken
29 into account."
30 17. Page 101, line 16, by striking the figure
31 "12,618,275" and inserting the following:
32 "12,118,275".
33 18. Page 105, line 21, by striking the figure
34 "100,135,253" and inserting the following:
35 "96,935,253".
36 19. Page 105, by inserting after line 21 the
37 following:
38 "In order to address a reduction of \$6,200,000 from
39 the amount allocated under this appropriation in prior
40 years for purposes of juvenile delinquent graduated
41 sanction services, up to \$6,200,000 of the amount of
42 federal temporary assistance for needy families block
43 grant funding appropriated in this division of this
44 Act for child and family services, shall be made
45 available for purposes of juvenile delinquent
46 graduated sanction services."
47 20. Page 107, line 5, by striking the figure
48 "3,000,000" and inserting the following: "1,000,000".
49 21. Page 107, line 8, by inserting after the
50 figure "232.188." the following: "In addition, up to

Page 3

1 \$2,000,000 of the amount of federal temporary
2 assistance for needy families block grant funding
3 appropriated in this division of this Act for child
4 and family services shall be made available for
5 purposes of decategorization of child welfare services
6 as provided in this subsection.”

7 22. Page 108, line 25, by inserting after the
8 figure “4.” the following: “Of the amount allocated
9 in this subsection, up to \$1,431,597 shall be made
10 available to provide school-based supervision of
11 children adjudicated under chapter 232, of which not
12 more than \$15,000 may be used for the purpose of
13 training. A portion of the cost of each school-based
14 liaison officer shall be paid by the school district
15 or other funding source as approved by the chief
16 juvenile court officer.”

17 23. Page 109, by striking lines 22 through 31.

18 24. Page 121, line 16, by striking the figure
19 “49,897,364” and inserting the following:
20 “53,097,364”.

21 25. Page 122, line 6, by striking the figure
22 “10,863,436” and inserting the following:
23 “11,089,436”.

24 26. Page 122, line 29, by striking the figure
25 “154,013,248.” and inserting the following:
26 “156,013,248. For the fiscal year beginning July 1,
27 2004, and ending June 30, 2005, nursing facilities
28 reimbursed under the case-mix reimbursement system
29 shall have their allowable cost calculations adjusted
30 by applying the most recently published HCFA/SNF
31 index. For the purpose of this subparagraph, the
32 HCFA/SNF index means the HCFA total skilled nursing
33 facility market basket index published by data
34 resources, inc.”

35 27. Page 129, line 6, by inserting after the word
36 “year.” the following: “Of the amount remaining
37 available, the department of human services may use up
38 to \$2,300,000 to draw down the maximum amount of
39 disproportionate share hospital reimbursement under
40 the medical assistance program as provided in the
41 federal Prescription Drug and Medicare Improvement Act
42 of 2003. Any amounts received shall be distributed in
43 accordance with the regular disproportionate share
44 hospital program paid out of the graduate medical
45 education and disproportionate share fund.”

46 28. Page 132, by striking lines 21 through 27 and
47 inserting the following:

48 “A carrier, as defined in section 514C.13, shall
49 enter into a health insurance data match program with
50 the department of human services for the sole purpose

Page 4

1 of comparing the names of the carrier's insureds with
2 the names of recipients of the medical assistance
3 program."

4 29. Page 134, by inserting after line 8 the
5 following:

6 "Sec. ____ 2002 Iowa Acts, chapter 1174, section
7 4, unnumbered paragraph 3, as amended by 2002 Iowa
8 Acts, Second Extraordinary Session, chapter 1003,
9 section 244, is amended to read as follows:

10 Notwithstanding section 8.33, moneys appropriated
11 under this section that are unobligated or
12 unencumbered at the end of the fiscal year beginning
13 July 1, 2002, and ending June 30, 2003, shall not
14 revert, but shall remain available for the specific
15 purposes designated in this section until June 30,
16 ~~2004~~ 2005."

17 30. Page 136, by inserting before line 14 the
18 following:

19 "4A. The provision amending 2002 Iowa Acts,
20 chapter 1174, section 4, unnumbered paragraph 3, as
21 amended by 2002 Iowa Acts, Second Extraordinary
22 Session, chapter 1003, section 244."

23 31. Page 139, by inserting after line 3, the
24 following:

25 "c. Two million dollars of the moneys appropriated
26 in this subsection shall be transferred to the
27 appropriation in this Act from the general fund of the
28 state for the medical assistance program to be used to
29 implement nursing facility provider reimbursements as
30 provided in 2001 Iowa Acts, chapter 192, section 4,
31 subsection 2, paragraph "c."

32 32. Page 143, line 16, by striking the figure
33 "14,492,712" and inserting the following:
34 "19,157,111".

35 33. Page 144, line 10 by inserting after the word
36 "percent." the following: "However, the amount
37 withheld shall be limited to the amount by which the
38 county's ending balance was in excess of the ending
39 balance percentage of 10 percent."

40 34. Page 144, by striking lines 11 through 14 and
41 inserting the following:

42 "c. For an ending balance percentage of 25 percent
43 or more, a withholding factor of 100 percent."

44 35. Page 144, line 17, by striking the figure
45 "4,753,963" and inserting the following: "9,418,362".

46 36. By striking page 144, line 29, through page
47 145, line 9.

48 37. Page 194, line 6, by striking the word "and"
49 and inserting the following: "and".

50 38. Page 194, line 7, by inserting after the

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- 1 figure "135C.1" the following: ". and a federally
2 licensed, regulated, or registered nonprofit blood
3 bank, blood center, or plasma center that is
4 collecting, processing, or distributing whole human
5 blood, blood components, plasma, blood fractions, or
6 blood derivatives for use by a licensed health care
7 provider".
8 39. By renumbering as necessary.

MAGGIE TINSMAN

S-5222

- 1 Amend Senate File 2298 as follows:
2 1. Page 167, by striking lines 10 through 15.
3 2. Page 167, by inserting before line 16 the
4 following:
5 "Sec. ___. Section 13B.4, subsection 2, Code
6 Supplement 2003, as amended by 2004 Iowa Acts, House
7 File 2138, section 1, if enacted, is amended to read
8 as follows:
9 2. The state public defender shall file a notice
10 with the clerk of the district court in each county
11 served by a public defender designating which public
12 defender office shall receive notice of appointment of
13 cases. The state public defender may also designate a
14 nonprofit organization which ~~contracts~~ has a contract
15 with the state public defender to provide legal
16 services to eligible indigent persons prior to the
17 effective date of this Act. Except as otherwise
18 provided, in each county in which the state public
19 defender files a designation, the state public
20 defender's designee shall be appointed by the court to
21 represent all eligible indigents, in all of the cases
22 and proceedings specified in the designation. The
23 appointment shall not be made if the state public
24 defender notifies the court that the public defender
25 designee will not provide legal representation in
26 certain cases as identified in the designation by the
27 state public defender."
28 3. By striking page 171, line 27, through page
29 172, line 9.
30 4. Page 174, by inserting after line 34 the
31 following:
32 "Sec. ___. STATE PUBLIC DEFENDER STUDY. The state
33 public defender in consultation with the indigent
34 defense advisory commission, the supreme court, the
35 Iowa state bar association, the Iowa association of
36 criminal defense lawyers, and other interested
37 organizations, shall study cost saving methods that

38 can be implemented to deliver legal representation to
39 indigent defendants in a more efficient manner. The
40 state public defender, in cooperation with the
41 entities consulted with, shall file a report with the
42 general assembly by December 15, 2004. The report
43 shall include recommendations for achieving
44 efficiencies in the delivery of indigent defense
45 services including but not limited to the advisability
46 of the state public defender entering into indigent
47 defense contracts for a predetermined fee in specific
48 types of cases.”

49 5. Page 175, line 1, by inserting before the
50 figure “85.66” the following: “13B.4, subsection 2.”.

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1 6. Page 175, line 5, by inserting after the
2 figure “13B.4,” the following: “subsection 1,”.

DAVID MILLER
BRYAN J. SIEVERS

S-5223

1 Amend Senate File 2298 as follows:

2 1. Page 42, line 6, by inserting after the word
3 “state.” the following: “The department shall
4 strongly encourage school districts to seek direct
5 claiming under the medical assistance program for
6 funding of school district nursing services for
7 students.”

8 2. Page 53, line 19, by inserting after the word
9 “encumbered” the following: “and shall not be
10 expended for any purpose”.

11 3. Page 53, line 35, by inserting after the word
12 “encumbered” the following: “, may be expended,”.

13 4. Page 55, by inserting after line 16, the
14 following:

15 “The university of Iowa hospitals and clinics, in
16 cooperation with the department of corrections, shall
17 study the utilization of the indigent patient care
18 program by department of corrections’ inmates and
19 shall submit a report to the governor and the general
20 assembly on or before January 1, 2005, regarding
21 recommendations to improve the efficiency and cost-
22 effectiveness of the care provided to the inmates.”

23 5. Page 68, by inserting after line 2, the
24 following:

25 “2A. Of the funds appropriated in this section,
26 \$49,000 shall be used, in addition to any other funds
27 appropriated in this Act, for provision of training to
28 resident advocate committees for elder group homes, as

29 defined in section 231B.1, and licensed health care
30 facilities as defined in section 135C.1.”

31 6. Page 73, by striking lines 25 through 27 and
32 inserting the following: “equivalent positions for
33 program services and investigations. Fees”.

34 7. Page 73, line 35, by striking the figure
35 “406,707” and inserting the following: “680,707”.

36 8. Page 80, line 17, by striking the figure
37 “19,480,254” and inserting the following:
38 “16,280,254”.

39 9. Page 81, line 11, by striking the figure
40 “30,275,728” and inserting the following:
41 “33,475,728”.

42 10. Page 97, by inserting before line 6 the
43 following:

44 “___ The department shall assist school districts
45 in applying for direct claiming under the medical
46 assistance program for funding of school district
47 nursing services for students.”

48 11. Page 98, line 6, by striking the word
49 “intermediary” and inserting the following: “agent”.

50 12. Page 98, by striking lines 24 through 28, and

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1 inserting the following:

2 “c. Implement a health insurance data match
3 program with insurance carriers to be used to match
4 insureds against”.

5 13. Page 98, by striking lines 32 and 33, and
6 inserting the following: “confidential. The
7 department, in consultation with insurance carriers,
8 shall adopt rules to implement this paragraph. The
9 rules shall be published as emergency rules to take
10 effect no later than June 30, 2004. Insurance
11 carriers shall begin providing the information
12 required upon the adoption of the rules.”

13 14. Page 99, by striking lines 6 through 9.

14 15. Page 99, by striking lines 14 through 19.

15 16. By striking page 99, line 20, through page
16 100, line 2, and inserting the following:

17 “h. Provide that under the Iowa preferred drug
18 list requirements, any newly released generic drug
19 product shall only be considered to be a preferred
20 drug and therefore not subject to prior authorization
21 if the generic product’s cost to the medical
22 assistance program is less than the brand name
23 product’s cost to the medical assistance program. In
24 determining the medical assistance program cost of
25 each drug product, the drug product cost shall be the
26 net amount derived following inclusion of all medical
27 assistance program drug rebates and after the impact

28 of all Iowa-specific supplemental rebates are taken
29 into account.”

30 17. Page 101, line 16, by striking the figure
31 “12,618,275” and inserting the following:
32 “12,118,275”.

33 18. Page 105, line 21, by striking the figure
34 “100,135,253” and inserting the following:
35 “96,935,253”.

36 19. Page 105, by inserting after line 21 the
37 following:

38 “In order to address a reduction of \$6,200,000 from
39 the amount allocated under this appropriation in prior
40 years for purposes of juvenile delinquent graduated
41 sanction services, up to \$6,200,000 of the amount of
42 federal temporary assistance for needy families block
43 grant funding appropriated in this division of this
44 Act for child and family services, shall be made
45 available for purposes of juvenile delinquent
46 graduated sanction services.”

47 20. Page 107, line 5, by striking the figure
48 “3,000,000” and inserting the following: “1,000,000”.

49 21. Page 107, line 8, by inserting after the
50 figure “232.188.” the following: “In addition, up to

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1 \$2,000,000 of the amount of federal temporary
2 assistance for needy families block grant funding
3 appropriated in this division of this Act for child
4 and family services shall be made available for
5 purposes of decategorization of child welfare services
6 as provided in this subsection.”

7 22. Page 108, line 25, by inserting after the
8 figure “4.” the following: “Of the amount allocated
9 in this subsection, up to \$1,431,597 shall be made
10 available to provide school-based supervision of
11 children adjudicated under chapter 232, of which not
12 more than \$15,000 may be used for the purpose of
13 training. A portion of the cost of each school-based
14 liaison officer shall be paid by the school district
15 or other funding source as approved by the chief
16 juvenile court officer.”

17 23. Page 109, by striking lines 22 through 31.

18 24. Page 121, line 16, by striking the figure
19 “49,897,364” and inserting the following:
20 “53,097,364”.

21 25. Page 122, line 6, by striking the figure
22 “10,863,434” and inserting the following:
23 “11,089,434”.

24 26. Page 122, line 29, by striking the figure
25 “154,013,248.” and inserting the following:
26 “156,013,248. For the fiscal year beginning July 1,

27 2004, and ending June 30, 2005, nursing facilities
 28 reimbursed under the case-mix reimbursement system
 29 shall have their allowable cost calculations adjusted
 30 by applying the most recently published HCFA/SNF
 31 index. For the purpose of this subparagraph, the
 32 HCFA/SNF index means the HCFA total skilled nursing
 33 facility market basket index published by data
 34 resources, inc.”

35 27. Page 129, line 6, by inserting after the word
 36 “year.” the following: “Of the amount remaining
 37 available, the department of human services may use up
 38 to \$2,300,000 to draw down the maximum amount of
 39 disproportionate share hospital reimbursement under
 40 the medical assistance program as provided in the
 41 federal Prescription Drug and Medicare Improvement Act
 42 of 2003. Any amounts received shall be distributed in
 43 accordance with the regular disproportionate share
 44 hospital program paid out of the graduate medical
 45 education and disproportionate share fund.”

46 28. Page 132, by striking lines 21 through 27 and
 47 inserting the following:

48 “A carrier, as defined in section 514C.13, shall
 49 enter into a health insurance data match program with
 50 the department of human services for the sole purpose

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1 of comparing the names of the carrier’s insureds with
 2 the names of recipients of the medical assistance
 3 program.”

4 29. Page 134, by inserting after line 8 the
 5 following:

6 “Sec. ___. 2002 Iowa Acts, chapter 1174, section
 7 4, unnumbered paragraph 3, as amended by 2002 Iowa
 8 Acts, Second Extraordinary Session, chapter 1003,
 9 section 244, is amended to read as follows:

10 Notwithstanding section 8.33, moneys appropriated
 11 under this section that are unobligated or
 12 unencumbered at the end of the fiscal year beginning
 13 July 1, 2002, and ending June 30, 2003, shall not
 14 revert, but shall remain available for the specific
 15 purposes designated in this section until June 30,
 16 ~~2004~~ 2005.”

17 30. Page 136, by inserting before line 14 the
 18 following:

19 “4A. The provision amending 2002 Iowa Acts,
 20 chapter 1174, section 4, unnumbered paragraph 3, as
 21 amended by 2002 Iowa Acts, Second Extraordinary
 22 Session, chapter 1003, section 244.”

23 31. Page 139, by inserting after line 3, the
 24 following:

25 “c. Two million dollars of the moneys appropriated

26 in this subsection shall be transferred to the
 27 appropriation in this Act from the general fund of the
 28 state for the medical assistance program to be used to
 29 implement nursing facility provider reimbursements as
 30 provided in 2001 Iowa Acts, chapter 192, section 4,
 31 subsection 2, paragraph “c”.

32 32. Page 143, line 16, by striking the figure
 33 “14,492,712” and inserting the following:
 34 “19,157,111”.

35 33. Page 144, line 10 by inserting after the word
 36 “percent.” the following: “However, the amount
 37 withheld shall be limited to the amount by which the
 38 county’s ending balance was in excess of the ending
 39 balance percentage of 10 percent.”

40 34. Page 144, by striking lines 11 through 14 and
 41 inserting the following:
 42 “c. For an ending balance percentage of 25 percent
 43 or more, a withholding factor of 100 percent.”

44 35. Page 144, line 17, by striking the figure
 45 “4,753,963” and inserting the following: “9,418,362”.

46 36. By striking page 144, line 29, through page
 47 145, line 9.

48 37. Page 194, line 6, by striking the word “and”
 49 and inserting the following: “~~and~~”.

50 38. Page 194, line 7, by inserting after the

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1 figure “135C.1” the following: “, and a federally
 2 licensed, regulated, or registered nonprofit blood
 3 bank, blood center, or plasma center that is
 4 collecting, processing, or distributing whole human
 5 blood, blood components, plasma, blood fractions, or
 6 blood derivatives for use by a licensed health care
 7 provider”.

8 39. By renumbering as necessary.

MAGGIE TINSMAN

S-5224

1 Amend Senate File 2298 as follows:

2 1. Page 194, by inserting after line 7 the
 3 following:

4 “Sec. ____ . STATE COURTS — JUSTICES, JUDGES, AND
 5 MAGISTRATES.

6 1. The salary rates specified in subsection 2 are
 7 for the fiscal year beginning July 1, 2004, effective
 8 for the pay period beginning December 31, 2004, and
 9 for subsequent fiscal years until otherwise provided
 10 by the general assembly. The salaries provided for in
 11 this section shall be paid from funds appropriated to

12 the judicial branch pursuant to any Act of the general
13 assembly.

14 2. The following annual salary rates shall be paid
15 to the persons holding the judicial positions
16 indicated during the fiscal year beginning July 1,
17 2004, effective with the pay period beginning December
18 31, 2004, and for subsequent pay periods.

| | | |
|--|----|---------|
| 19 a. Chief justice of the supreme court: | | |
| 20 | \$ | 129,580 |
| 21 b. Each justice of the supreme court: | | |
| 22 | \$ | 124,950 |
| 23 c. Chief judge of the court of appeals: | | |
| 24 | \$ | 124,830 |
| 25 d. Each associate judge of the court of appeals: | | |
| 26 | \$ | 120,210 |
| 27 e. Each chief judge of a judicial district: | | |
| 28 | \$ | 119,100 |
| 29 f. Each district judge except the chief judge of a 30 judicial district: | | |
| 31 | \$ | 114,250 |
| 32 g. Each district associate judge: | | |
| 33 | \$ | 99,560 |
| 34 h. Each associate juvenile judge: | | |
| 35 | \$ | 99,560 |
| 36 i. Each associate probate judge: | | |
| 37 | \$ | 99,560 |
| 38 j. Each judicial magistrate: | | |
| 39 | \$ | 29,680 |
| 40 k. Each senior judge: | | |
| 41 | \$ | 6,630 |

42 3. Persons receiving the salary rates established
43 under subsection 2 shall not receive any additional
44 salary adjustments provided by this division of this
45 Act.”

DONALD B. REDFERN

S-5225

1 Amend the amendment, S-5128, to House File 2200, as
2 passed by the House, as follows:

3 1. By striking page 5, line 50, through page 6,
4 line 5.

5 2. Page 6, line 6, by striking the figure “6.”
6 and inserting the following: “5.”

7 3. Page 6, by inserting after line 8 the
8 following:
9 “__. Page 3, by inserting after line 1 the
10 following:
11 “Sec. __. APPLICABILITY DATE. The sections of
12 this Act enacting sections 100C.1 through 100C.6,
13 100C.8, and 100C.9 shall not be applicable until July

14 1, 2005.”

15 4. By renumbering as necessary.

STEVE KETTERING

S-5226

1 Amend House File 2262, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 29, by inserting after line 5 the
4 following:

5 “DIVISION IV
6 MISCELLANEOUS PROVISIONS

7 Sec. ____ Section 627.6A, subsection 1, Code 2003,
8 is amended to read as follows:

9 1. Notwithstanding the provisions of section
10 627.6, a debtor shall not be permitted to claim
11 exemptions with regard to payment or a portion of
12 payment under a pension, annuity, individual
13 retirement account, profit-sharing plan, universal
14 life insurance policy, or similar plan or contract due
15 to illness, disability, death, age, or length of
16 service for child, spousal, or medical support, or
17 while the debtor is incarcerated, restitution ordered
18 pursuant to chapter 910.

19 Sec. ____ EFFECTIVE DATE — RETROACTIVE
20 APPLICABILITY. The section of this Act amending
21 section 627.6A, being deemed of immediate importance,
22 takes effect upon enactment and is retroactively
23 applicable to January 1, 2004, and applies on and
24 after that date.”

25 2. Title page, line 1, by inserting after the
26 words “retirement systems” the following: “and other
27 employee benefit-related matters”.

28 3. By renumbering as necessary.

DAVID JOHNSON

S-5227

1 Amend House File 2523, 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 455B.133, subsection 3, Code
6 2003, is amended to read as follows:

7 3. Adopt, amend, or repeal ambient air quality
8 standards for the atmosphere of this state on the
9 basis of providing air quality necessary to protect
10 the public health and welfare and to reduce emissions
11 contributing to acid rain pursuant to Title IV of the
12 federal Clean Air Act Amendments of 1990. However,

13 the commission shall not adopt, amend, or repeal an
 14 ambient standard for which the United States
 15 environmental protection agency has not promulgated a
 16 standard.”
 17 2. Page 1, by striking lines 10 and 11, and
 18 inserting the following: “January 1, 1991. This does
 19 not prohibit the commission from adopting ~~a~~ an
 20 emission standard for a source or class”.

DAVID JOHNSON

S-5228

1 Amend House File 2393, as passed by the House, as
 2 follows:
 3 1. Page 1, line 5, by inserting after the word
 4 “range” the following: “that is open to the public”.
 5 2. Page 1, line 13, by striking the word “range,”
 6 and inserting the following: “range that is open to
 7 the public and”.

BOB BRUNKHORST
 DENNIS H. BLACK

S-5229

1 Amend Senate File 2295 as follows:
 2 1. Page 2, line 32, by inserting after the word
 3 “school” the following: “and shall prioritize the
 4 providing of such scholarships and grants to students
 5 from families whose incomes are less than three
 6 hundred percent of the federal poverty level, as
 7 defined by the most recently revised income guidelines
 8 published by the United States department of health
 9 and human services”.
 10 2. Page 3, line 10, by inserting after the word
 11 “students” the following: “and who are from families
 12 with incomes of less than three hundred percent of the
 13 federal poverty level”.
 14 3. Page 3, by inserting after line 20 the
 15 following:
 16 “7. The department shall annually file a report
 17 with the chairpersons and ranking members of the
 18 senate and house committees on ways and means
 19 detailing a compilation of the information received
 20 from the reports of all school tuition organizations
 21 filed pursuant to the requirements of subsection 6.”

BRYAN J. SIEVERS
 MATT W. McCOY

S-5230

1 Amend Senate File 2296 as follows:
2 1. Page 9, line 33, by inserting after the word
3 "Iowa" the following: "and the local jurisdictions
4 imposing the taxes".
5 2. Page 10, line 9, by inserting after the word
6 "Iowa" the following: "and the local jurisdictions
7 imposing the taxes".
8 3. Page 23, line 6, by inserting after the figure
9 "2." the following: "a."
10 4. Page 23, by inserting after line 19 the
11 following:
12 "b. A manufacturer, distributor, wholesaler,
13 retailer, or distributing agent or agent thereof shall
14 not give away any cigarettes or tobacco products to
15 any person under eighteen years of age, or within five
16 hundred feet of any playground, school, high school,
17 or other facility when such facility is being used
18 primarily by persons under age eighteen for
19 recreational, educational, or other purposes.
20 c. Proof of age shall be required if a reasonable
21 person could conclude on the basis of outward
22 appearance that a prospective recipient of a sample
23 may be under eighteen years of age."

PAUL MCKINLEY

S-5231

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, line 15, by inserting after the word
4 "recommendation," the following: "For purposes of
5 identifying an opening available for placement and
6 providing the court with a placement recommendation,
7 the administrator or the administrator's designee
8 shall be considered an employee of the state under
9 chapter 669 and shall be afforded protection as an
10 employee of the state under section 669.21."
11 2. Page 1, by striking lines 21 through 24 and
12 inserting the following: "emergency services in that
13 county."
14 3. Page 1, by inserting after line 32 the
15 following:
16 "Sec. ____ . Section 229.6, Code 2003, is amended by
17 adding the following new subsection:
18 NEW SUBSECTION. 4. If the person's
19 hospitalization expenses are payable in whole or in
20 part by a county, the hospitalization application
21 shall be accompanied by the county's application for
22 the person to receive assistance through the county's

- 23 single entry point process.”
- 24 4. By striking page 6, line 4, through page 7,
25 line 8.
- 26 5. Page 7, by striking lines 9 through 17.
- 27 6. Page 7, by inserting before line 18 the
28 following:
29 “Sec. ___. INITIAL PLAN. The initial plan
30 developed by a county single entry point process
31 administrator pursuant to section 229.1B, subsection
32 2, as enacted in this Act, for addressing emergency
33 examinations and placement made under chapter 229,
34 shall be completed on or before December 31, 2004.”
- 35 7. Title page, by striking lines 4 and 5 and
36 inserting the following: “point process.”
- 37 8. By renumbering as necessary.

HUBERT HOUSER

S-5232

- 1 Amend House File 2523, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, line 32, by inserting before the word
4 “HEALTH” the following: “ODOR”.
- 5 2. Page 1, line 35, by striking the words “a
6 health” and inserting the following: “an odor
7 health”.
- 8 3. Page 2, by striking lines 31 through 34 and
9 inserting the following: “business.”
- 10 4. Page 3, line 28, by inserting after the word
11 “assembly” the following: “and the commission”.
- 12 5. Page 4, line 1, by inserting after the word
13 “assembly” the following: “and the commission”.
- 14 6. Page 4, by striking line 7 and inserting the
15 following: “final report, and a statute that”.
- 16 7. By striking page 5, line 30, through page 7,
17 line 2, and inserting the following:
18 “___ a. The minimal risk levels for an airborne
19 pollutant that is hydrogen sulfide are as follows:
20 (1) The short-term minimal risk level is one of
21 the following:
22 (a) A concentration dose exceeding seventy parts
23 per billion for the duration of two consecutive valid
24 sampling weeks.
25 (b) A sum of the hourly average concentration
26 doses exceeding twenty-three and fifty-two hundredths
27 parts per million-hour for two consecutive valid
28 sampling weeks, reduced by seven hundredths parts per
29 million-hour for each hour for which there is no valid
30 hourly average.
31 (2) The long-term minimal risk level is one of the
32 following:

- 33 (a) A concentration dose exceeding thirty parts
34 per billion for the duration of twelve consecutive
35 valid sampling months.
- 36 (b) A sum of the hourly average concentration
37 doses exceeding two hundred sixty-two and eight
38 hundredths parts per million-hour for twelve
39 consecutive valid sampling months, reduced by three
40 hundredths parts per million-hour for each hour for
41 which there is no valid hourly average.
- 42 b. The minimal risk levels for an airborne
43 pollutant that is ammonia are as follows:
- 44 (1) The short-term minimal risk level is one of
45 the following:
- 46 (a) A concentration dose exceeding one thousand
47 seven hundred parts per billion for the duration of
48 two consecutive valid sampling weeks.
- 49 (b) A sum of the hourly average concentration
50 doses exceeding five hundred seventy-one and two-

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- 1 tenths parts per million-hour for two consecutive
2 valid sampling weeks, reduced by one and seven-tenths
3 parts per million-hour for each hour for which there
4 is no valid hourly average.
- 5 (2) The long-term minimal risk level is one of the
6 following:
- 7 (a) A concentration dose exceeding three hundred
8 parts per billion for the duration of twelve
9 consecutive valid sampling months.
- 10 (b) A sum of the hourly average concentration
11 doses exceeding two thousand six hundred twenty-eight
12 parts per million-hour for each hour for which there
13 is no valid hourly average.
- 14 c. A valid sampling day, valid sampling week, and
15 valid sampling month for purposes of this subsection
16 shall be determined as provided in this paragraph.
17 Hourly averages must first be computed by averaging
18 all valid five-minute averages recorded by the data
19 acquisition system in that hour. An hourly average is
20 considered valid if at least forty-five minutes of
21 valid five-minute averages are recorded by the data
22 acquisition system. A sampling day consists of
23 twenty-four nonoverlapping hours beginning from
24 midnight on a given day to midnight on the following
25 day. A sampling day is considered valid if at least
26 eighteen hours of valid hourly averages have been
27 recorded at the monitoring location. To determine the
28 daily average, each of the valid hourly concentrations
29 associated with a sampling day shall be averaged and
30 truncated to one part per billion. A valid sampling
31 day shall be computed by averaging all valid hourly

32 averages recorded by the data acquisition system in
33 that sampling day. A valid sampling week consists of
34 at least six valid sampling days in a period of seven
35 consecutive days. A valid sampling month is a
36 calendar month in which at least seventy-five percent
37 of the days of the month are valid sampling days.”

38 8. Page 7, by striking lines 34 and 35 and
39 inserting the following: “particular airborne
40 pollutant, for a specific type or phase of animal
41 production system commonly used in this state and for
42 a specific type of manure storage or treatment system
43 commonly used at such animal production systems if all
44 of the”.

45 9. Page 8, by striking lines 4 and 5 and
46 inserting the following: “pollutant from that type or
47 phase of animal production system commonly used in
48 this state and that type of manure storage or
49 treatment system commonly used at such animal
50 production systems is present at separated locations

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1 at levels”.

2 10. Page 8, by striking lines 12 and 13 and
3 inserting the following: “that the airborne pollutant
4 from a specific type or phase of animal production
5 system commonly used in this state and a specific type
6 of manure storage or treatment system commonly used at
7 such animal production systems is present at”.

8 11. Page 10, by striking line 3 and inserting the
9 following: “level. If the notice is for a violation
10 of the short-term minimal risk level for an airborne
11 pollutant that is hydrogen sulfide or ammonia, the
12 notice shall expire one hundred eighty days from the
13 date of its issuance. If the notice is for any other
14 violation of a minimal risk level or health effect
15 level for odor, the notice shall expire one year from
16 the date of its”.

17 12. Page 10, by inserting after line 22 the
18 following:

19 “____. The governor shall appoint members to a
20 monitoring advisory committee to advise the department
21 on the monitoring of airborne pollutants that are
22 hydrogen sulfide, ammonia, and odor as required by
23 this Act. Members shall not be representatives of the
24 department and must have expertise in data collection
25 and in the operation of equipment used for data
26 collection as required by this Act. The department
27 shall consult with members in a meeting which shall be
28 chaired by a person appointed by the governor. The
29 committee shall consult with the department regarding
30 monitoring as required by this section or rules

31 adopted pursuant to this section. The committee shall
 32 evaluate and assess protocols for data collection,
 33 data processing, and data retention as required by
 34 this section. The committee shall also evaluate
 35 instrument calibration procedures and instrument
 36 siting procedures for objective data collection, and
 37 oversee instrumentation evaluation for selection of
 38 equipment.”

39 13. By renumbering as necessary.

DAVID JOHNSON
 GENE FRAISE
 JOHN P. KIBBIE
 MICHAEL E. GRONSTAL

S-5233

1 Amend Senate File 2296 as follows:
 2 1. Page 13, by striking lines 1 through 11 and
 3 inserting the following: “However, in assessing
 4 property that is rented or leased to low-income
 5 individuals and families as authorized by section 42
 6 of the Internal Revenue Code, as amended, and which
 7 section ~~limits the amount that establishes annually~~
 8 the rent the individual or family pays for the rental
 9 or lease of units in the property, the assessor shall
 10 use the ~~productive and earning capacity from the~~
 11 ~~actual rents received as a method of appraisal and~~
 12 ~~shall take into account the extent to which that use~~
 13 ~~and limitation reduces the market value of the~~
 14 property section 42 rents in conjunction with the
 15 income method of appraisal in compliance with the
 16 uniform standards of professional appraisal practice
 17 to arrive at the assessed value for the property. In
 18 no case shall the value of the property exceed the
 19 assessed value if it had been valued without
 20 consideration to the special procedures established
 21 herein for section 42 properties. In arriving at the
 22 actual value of the property, the impact of applicable
 23 rent restrictions, affordability requirements, or any
 24 other related restrictions prescribed by any federal
 25 or state programs shall be considered. The assessor
 26 shall not ~~directly or indirectly~~ consider any tax
 27 credit equity or other subsidized financing as income
 28 provided to the property in determining the assessed
 29 value. An owner of section 42 property may elect to
 30 not have such property assessed using the section 42
 31 valuation process by notifying the assessor in writing
 32 prior to March 1 of each assessment year.”
 33 2. Page 13, by inserting after line 28 the
 34 following:
 35 “Sec. ___. Section 441.37, subsection 3, Code

36 Supplement 2003, is amended by adding the following
 37 new unnumbered paragraph:
 38 NEW UNNUMBERED PARAGRAPH. If an assessment is
 39 protested pursuant to subsection 1, paragraphs “a”,
 40 “b”, “c”, “d”, and “e”, costs of the protest incurred
 41 by the property owner or taxpayer protesting the
 42 assessment shall be paid from the respective
 43 assessment expense fund of the city or county
 44 described in section 441.16, if the board of review
 45 determines that the assessed value protested is
 46 greater than one hundred ten percent of the assessed
 47 value of the property as determined by the assessor.
 48 These costs incurred by the property owner or taxpayer
 49 may include reasonable attorney fees, property
 50 appraisal reports, expert testimony, travel and

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1 lodging, and any other costs incurred by the property
 2 owner or taxpayer who filed the protest if such costs
 3 are reasonably related to the protest.
 4 Sec. ____ Section 441.40, Code 2003, is amended by
 5 adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. However, costs of the
 7 appeal incurred by the property owner or taxpayer
 8 appealing the action of the board of review on an
 9 assessment protested pursuant to section 441.37,
 10 subsection 1, paragraphs “a”, “b”, “c”, “d”, and “e”,
 11 shall be paid from the respective assessment expense
 12 fund of the city or county described in section
 13 441.16, if the court determines that the assessed
 14 value appealed is greater than one hundred ten percent
 15 of the assessed value of the property as determined by
 16 the board of review or if the judgment of the court
 17 results in the assessed value being reduced such that
 18 the assessed value appealed is greater than one
 19 hundred ten percent of the assessed value placed on
 20 the property pursuant to the decision of the court.
 21 These costs incurred by the property owner or taxpayer
 22 may include reasonable attorney fees, property
 23 appraisal reports, expert testimony, court recorders,
 24 depositions, travel and lodging, and any other costs
 25 incurred by the property owner or taxpayer who filed
 26 the appeal if such costs are reasonably related to the
 27 appeal.”

STEVE WARNSTADT

S-5234

1 Amend House File 2394, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 1 and 2 and
4 inserting the following:
5 “Section 1. NEW SECTION. 321.179 PARENT-TAUGHT
6 DRIVER EDUCATION.”
- 7 2. Page 1, line 3, by striking the word
8 “TEACHING” and inserting the following: “INSTRUCTION
9 BY”.
- 10 3. Page 1, line 4, by striking the word
11 “teaching”.
- 12 4. Page 1, lines 13 and 14, by striking the words
13 “teaching-parent-directed” and inserting the
14 following: “parent-taught”.
- 15 5. Page 1, line 23, by striking the word
16 “teaching”.
- 17 6. Page 1, line 25, by striking the words
18 ““Teaching parent”” and inserting the following:
19 ““Parent””.
- 20 7. Page 1, by striking lines 26 through 29 and
21 inserting the following: “custodian of a student who
22 has a valid driver’s license.”.
- 23 8. Page 1, line 31, by striking the word
24 “driving;” and inserting the following: “driving;”.
- 25 9. Page 2, line 7, by striking the word
26 “teaching”.
- 27 10. Page 2, line 12, by striking the word
28 “teaching”.
- 29 11. Page 2, line 27, by striking the word
30 “teaching”.
- 31 12. Page 2, line 31, by striking the word
32 “teaching”.
- 33 13. Page 2, line 33, by striking the word
34 “teaching”.
- 35 14. By striking page 2, line 35, through page 3,
36 line 3.
- 37 15. Page 3, line 13, by striking the word
38 “teaching”.
- 39 16. Page 3, by inserting after line 28 the
40 following:
41 “Sec. ____ Section 321.180B, subsection 2,
42 unnumbered paragraph 1, Code 2003, is amended to read
43 as follows:
44 The department may issue an intermediate driver’s
45 license to a person sixteen or seventeen years of age
46 who possesses an instruction permit issued under
47 subsection 1 or a comparable instruction permit issued
48 by another state for a minimum of six months
49 immediately preceding application, and who presents an
50 affidavit signed by a parent or guardian on a form to

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1 be provided by the department that the permittee has
 2 accumulated a total of twenty hours of street or
 3 highway driving of which two hours were conducted
 4 after sunset and before sunrise and the street or
 5 highway driving was with the permittee's parent,
 6 guardian, instructor, a person certified by the
 7 department, or a person at least twenty-five years of
 8 age who had written permission from a parent or
 9 guardian to accompany the permittee, and whose driving
 10 privileges have not been suspended, revoked, or barred
 11 under this chapter or chapter 321J during, and who has
 12 been accident and conviction free continuously for,
 13 the six-month period immediately preceding the
 14 application for an intermediate license. An applicant
 15 for an intermediate license must meet the requirements
 16 of section 321.186, including satisfactory completion
 17 of driver education as required in section 321.178 or
 18 321.179, and payment of the required license fee
 19 before an intermediate license will be issued. A
 20 person issued an intermediate license must limit the
 21 number of passengers in the motor vehicle when the
 22 intermediate licensee is operating the motor vehicle
 23 to the number of passenger safety belts.”
 24 17. Title page, line 1, by striking the word
 25 “teaching”.
 26 18. By renumbering, redesignating, and correcting
 27 internal references as necessary.

ROBERT E. DVORSKY

S-5235

HOUSE AMENDMENT TO
 SENATE FILE 2234

1 Amend Senate File 2234, as passed by the Senate, as
 2 follows:
 3 1. Page 1, line 1, by striking the word
 4 “UNIFORM”.
 5 2. Page 1, by striking lines 3 through 6, and
 6 inserting the following:
 7 “In order to encourage compliance with a visitation
 8 order, a temporary order for custody shall provide for
 9 a minimum visitation schedule with the noncustodial
 10 parent, unless the court determines that such
 11 visitation is not in the best interest of the child.”
 12 3. Page 1, by striking lines 7 through 15, and
 13 inserting the following:
 14 “Sec. 2. Section 600B.40, unnumbered paragraph 1,
 15 Code 2003, is amended to read as follows:

16 The mother of a child born out of wedlock whose
17 paternity has not been acknowledged and who has not
18 been adopted has sole custody of the child unless the
19 court orders otherwise. If a judgment of paternity is
20 entered, the father may petition for rights of
21 visitation or custody in the same paternity action or
22 in an equity proceeding separate from any action to
23 establish paternity.”

S-5236HOUSE AMENDMENT TO
SENATE FILE 2282

1 Amend Senate File 2282, as passed by the Senate, as
2 follows:
3 1. Page 1, lines 1 and 2, by striking the words
4 “natural resource commission” and inserting the
5 following: “loess hills development and conservation
6 authority”.
7 2. Page 1, line 3, by inserting after the word
8 “a” the following: “comprehensive”.
9 3. Page 1, line 4, by inserting after the word
10 “significance” the following: “and the significance
11 of the flora and fauna”.
12 4. Page 1, by striking lines 5 through 7, and
13 inserting the following: “hills and to determine the
14 feasibility of various uses of the loess hills. The
15 loess hills development and conservation authority may
16 accept gifts.”.
17 5. Page 1, line 10, by striking the words
18 “natural resource commission” and inserting the
19 following: “loess hills development and conservation
20 authority”.
21 6. Page 1, line 13, by striking the figure “2005”
22 and inserting the following: “2006”.
23 7. Page 1, line 16, by striking the words
24 “natural resource commission” and inserting the
25 following: “loess hills development and conservation
26 authority”.
27 8. Title page, line 1, by inserting after the
28 word “a” the following: “comprehensive”.
29 9. Title page, line 2, by inserting after the
30 word “significance” the following: “and the
31 significance of the flora and fauna”.
32 10. Title page, line 3, by striking the words
33 “creating a state native prairie preserve in” and
34 inserting the following: “various uses of”.

S-5237

HOUSE AMENDMENT TO
SENATE FILE 2149

1 Amend Senate File 2246, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. By striking everything after the enacting
4 clause and inserting the following:

5 "Section 1. Section 256D.1, subsection 1,
6 paragraph b, unnumbered paragraph 1, Code 2003, is
7 amended to read as follows:

8 The department of education shall identify
9 diagnostic assessment tools that can be used to assist
10 teachers in measuring reading accuracy and fluency
11 skills, including but not limited to phonemic
12 awareness, phonics skills, oral reading ability, ~~and~~
13 comprehension skills, and vocabulary development to
14 improve student achievement in kindergarten through
15 grade three. The department, in collaboration with
16 the area education agencies, school districts, and
17 institutions with approved practitioner preparation
18 programs, shall identify and serve as a clearinghouse
19 on intensive, research-based strategies and programs
20 for training teachers in both diagnosis and
21 appropriate instruction interventions.

22 Sec. 2. Section 256D.1, subsection 1, paragraph b,
23 subparagraph (1), Code 2003, is amended to read as
24 follows:

25 (1) A school district shall at a minimum
26 biannually inform parents of their individual child's
27 performance on the diagnostic assessments in
28 kindergarten through grade three. If intervention is
29 appropriate, the school district shall inform the
30 parents of the actions the school district intends to
31 take to improve the child's reading skills and provide
32 the parents with strategies to enable the parents to
33 improve their child's skills. If intervention is not
34 warranted, the school district shall inform the
35 parents of options available to the parents for
36 enrichment activities for the child. The board of
37 directors of each school district shall adopt a policy
38 indicating the methods the school district will use to
39 inform parents of their individual child's
40 performance.

41 Sec. 3. Section 256D.2, Code 2003, is amended to
42 read as follows:

43 256D.2 PROGRAM EXPENDITURES.

44 A school district shall expend funds received
45 pursuant to section 256D.4 at the kindergarten through
46 grade three levels to reduce class sizes to the state
47 goal of seventeen students for every one teacher and

48 to achieve a higher level of student success in the
49 basic skills, especially reading. In order to support
50 these efforts, school districts may expend funds

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1 received pursuant to section 256D.4 at the
2 kindergarten through grade three level on programs,
3 instructional support, and materials that include, but
4 are not limited to, the following: additional
5 licensed instructional staff; additional support for
6 students, such as before and after school programs,
7 tutoring, and intensive summer programs; the
8 acquisition and administration of diagnostic reading
9 assessments; the implementation of research-based
10 instructional intervention programs for students
11 needing additional support; the implementation of all-
12 day, everyday kindergarten programs; and the provision
13 of classroom teachers with intensive training programs
14 to improve reading instruction and professional
15 development in best practices, including but not
16 limited to training programs related to instruction to
17 increase students' phonemic awareness, phonics skills,
18 oral reading abilities, and comprehension skills, and
19 vocabulary development.

20 Sec. 4. Section 256D.3, subsection 3, Code 2003,
21 is amended to read as follows:

22 3. Beginning January 15, ~~2001~~ 2005, the department
23 shall submit an annual report to the chairpersons and
24 ranking members of the senate and house education
25 committees that includes the statewide average school
26 district class size in basic skills instruction in
27 kindergarten through grade three, by grade level and
28 by district size, and describes school district
29 progress toward achieving early intervention block
30 grant program goals and the ways in which school
31 districts are using moneys received pursuant to
32 ~~section 256D.4 this chapter and expended as provided~~
33 in section 256D.2.

34 Sec. 5. Section 256D.9, Code Supplement 2003, is
35 amended to read as follows:

36 256D.9 FUTURE REPEAL.

37 This chapter is repealed effective July 1, ~~2004~~
38 2005.

39 Sec. 6. EFFECTIVE DATE. The section of this Act
40 amending section 256D.9, being deemed of immediate
41 importance, takes effect upon enactment.”

42 2. Title page, by striking lines 1 through 4 and
43 inserting the following: “An Act relating to the Iowa
44 early intervention block grant program and providing
45 an effective date.”

S-5238

1 Amend House File 2552, as passed by the House, as
2 follows:

3 1. Page 2, by inserting after line 9 the
4 following:

5 "Sec. ____ Section 321.34, subsection 10,
6 paragraph d, Code Supplement 2003, is amended to read
7 as follows:

8 d. For purposes of this subsection, a person is
9 considered to be retired if the person is recognized
10 by the chief of the fire department where the
11 individual served, and on record, as officially
12 retired from the fire department. Special
13 registration plates with a fire fighter emblem shall
14 be surrendered, as provided in subsection 12, in
15 exchange for regular registration plates upon
16 termination of the motor vehicle owner's membership in
17 the paid or volunteer fire department, unless the
18 person is a retired member in good standing. The
19 surviving spouse of a paid or volunteer fire fighter
20 who died in the line of duty and who was issued
21 special plates under this subsection may continue to
22 use or apply for and use the special plates subject to
23 registration of the special plates in the surviving
24 spouse's name and upon payment of the annual
25 registration fee. For purposes of this section, "died
26 in the line of duty" means a death, as described in
27 section 100B.11, for the purpose of line of duty death
28 benefits."

29 2. Page 5, by striking line 1 and inserting the
30 following:

31 "Sec. ____ EFFECTIVE AND RETROACTIVE APPLICABILITY
32 DATES.

33 1. This Act,".

34 3. Page 5, line 3, by inserting after the word
35 "applies" the following: "retroactively".

36 4. Page 5, by inserting after line 4 the
37 following:

38 "2. The section of this Act amending section
39 321.34, subsection 10, paragraph "d", applies
40 retroactively to March 1, 2004. Notwithstanding the
41 provision of this Act that repeals section 321.34,
42 subsection 10, effective upon enactment, the state
43 department of transportation shall administer the
44 special fire fighter plates as though the amendment to
45 section 321.34, subsection 10, paragraph "d", had
46 taken effect prior to the repeal of section 321.34,

47 subsection 10.”

48 5. By renumbering as necessary.

COMMITTEE ON WAYS AND MEANS
LARRY McKIBBEN, Chair

S-5239

HOUSE AMENDMENT TO SENATE FILE 2179

1 Amend Senate File 2179, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 5, by inserting before line 1 the
4 following:

5 “Sec. ____ Section 68B.35A, Code 2003, is amended
6 to read as follows:

7 68B.35A PERSONAL FINANCIAL DISCLOSURE STATEMENTS
8 OF STATE OFFICIALS AND EMPLOYEES — PUBLIC INTERNET
9 ACCESS.

10 Personal financial disclosure statements filed with
11 ~~the board and the chief clerk of the house, or the~~
12 ~~secretary of the senate, or other appropriate person~~
13 ~~or body~~ shall be forwarded to the secretary of state
14 for the recording of the information ~~through~~
15 electronic means on an internet website. The board
16 and the general assembly shall execute agreements with
17 the secretary of state which provide for public access
18 to and copying of the information, and include a site
19 in the board offices for public viewing and copying of
20 information, contained in personal financial
21 disclosure statements filed with the board and the
22 chief clerk of the house, secretary of the senate, or
23 other appropriate person or body. The board shall
24 record personal financial disclosure statements filed
25 with the board on an internet website.”

26 2. Page 5, by striking line 21 and inserting the
27 following:

28 “Sec. ____ Section 68B.34, Code 2003, is”.

29 3. By renumbering as necessary.

S-5240

1 Amend House File 2447, 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 89.2, Code 2003, is amended by
6 adding the following new subsections:

7 NEW SUBSECTION. 0A. “ASME code” means the boiler
8 and pressure vessel code published by the American
9 society of mechanical engineers.

10 NEW SUBSECTION. 0B. "Board" means the boiler and
11 pressure vessel board created in section 89.14.

12 Sec. 2. Section 89.3, Code 2003, is amended by
13 adding the following new subsection:

14 NEW SUBSECTION. 13. An inspection report created
15 pursuant to this chapter that requires modification,
16 alteration, or change shall be in writing and shall
17 cite the state law or rule or the ASME code section
18 allegedly violated.

19 Sec. 3. Section 89.5, subsection 1, Code 2003, is
20 amended by striking the subsection.

21 Sec. 4. Section 89.5, subsection 4, unnumbered
22 paragraph 1, Code 2003, is amended to read as follows:

23 A rule adopted pursuant to this ~~section~~ chapter
24 which adopts standards by reference to another
25 publication shall be exempt from the requirements of
26 section 17A.6, subsection 4, if the following
27 conditions exist:

28 Sec. 5. Section 89.7, subsection 3, Code 2003, is
29 amended to read as follows:

30 3. Upon such showing and the payment of a fee, the
31 commissioner shall issue a certificate of inspection
32 by the division of labor services, which shall be
33 valid only for the period specified in section 89.3.
34 ~~The commissioner shall establish the amount of the fee~~
35 ~~by rule.~~

36 Sec. 6. Section 89.8, Code 2003, is amended by
37 striking the section and inserting in lieu thereof the
38 following:

39 89.8 BOILER AND PRESSURE VESSEL SAFETY FUND —
40 FEES APPROPRIATED.

41 A boiler and pressure vessel safety revolving fund
42 is created within the state treasury under the control
43 of the commissioner and shall consist of moneys
44 collected by the commissioner as fees. Moneys in the
45 fund are appropriated and shall be used by the
46 commissioner to pay the actual costs and expenses
47 necessary to operate the board and administer the
48 provisions of this chapter. All salaries and expenses
49 properly chargeable to the fund shall be paid from the
50 fund. Section 8.33 does not apply to any moneys in

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1 the fund. Notwithstanding section 12C.7, subsection
2 2, interest or earnings on moneys deposited in the
3 fund shall be credited to the fund.

4 Sec. 7. Section 89.9, Code 2003, is amended to
5 read as follows:

6 89.9 DISPOSAL OF FEES.

7 All fees provided for in this chapter shall be
8 collected by the commissioner and remitted to the

9 treasurer of state, to be deposited in the boiler and
10 pressure vessel safety fund pursuant to section 89.8,
11 together with an itemized statement showing the source
12 of collection.

13 Sec. 8. Section 89.11, Code 2003, is amended to
14 read as follows:

15 89.11 INJUNCTION.

16 In addition to any and all other remedies, if any
17 owner, user, or person in charge of any equipment
18 covered by this chapter, shall continue to use any
19 equipment covered by this chapter, after receiving a
20 notice of defect and exhausting appeal rights as
21 provided by this chapter, without first correcting
22 ~~said the~~ defects or making replacements, the
23 commissioner ~~of labor~~ may apply to the district court
24 or any judge thereof by petition in equity, in an
25 action brought in the name of the state, for a writ of
26 injunction to restrain the use of ~~said the~~ alleged
27 defective equipment.

28 Sec. 9. **NEW SECTION.** 89.14 BOILER AND PRESSURE
29 VESSEL BOARD — CREATED — DUTIES.

30 1. A boiler and pressure vessel board is created
31 within the division of labor services of the
32 department of workforce development to formulate
33 definitions and rules requirements for the safe and
34 proper installation, repair, maintenance, alteration,
35 use, and operation of boilers and pressure vessels in
36 this state.

37 2. The boiler and pressure vessel board is
38 composed of nine members, one of whom shall be the
39 commissioner or the commissioner's designee. The
40 remaining eight members shall be appointed by the
41 governor, subject to confirmation by the senate, to
42 four-year staggered terms beginning and ending as
43 provided in section 69.19. One member shall be a
44 special inspector who is employed by an insurance
45 company that is licensed and actively writing boiler
46 and machinery insurance in this state and who is
47 commissioned to inspect boiler and pressure vessels in
48 this state, two members shall be appointed from
49 certified employee organizations, one of whom shall
50 represent steamfitters, two members shall be

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1 mechanical engineers who regularly practice in the
2 area of boilers and pressure vessels, one member shall
3 be a boiler and pressure vessel distributor in this
4 state, one member shall represent boiler and pressure
5 vessel manufacturers, and one member shall be a
6 mechanical contractor engaged in the business of
7 installation, renovation, and repair of boilers and

8 pressure vessels.

9 3. A vacancy in membership shall be filled in the
10 same manner as the original appointment. The members
11 shall serve without compensation, but shall be
12 reimbursed for actual and necessary expenses incurred
13 in the performance of official duties as a member.

14 4. The members of the board shall select a
15 chairperson, vice chairperson, and secretary from
16 their membership. However, neither the commissioner
17 nor the commissioner's designee shall serve as
18 chairperson. The board shall meet at least quarterly
19 but may meet as often as necessary. Meetings shall be
20 set by a majority of the board or upon the call of the
21 chairperson, or in the chairperson's absence, upon the
22 call of the vice chairperson. A majority of the board
23 members shall constitute a quorum.

24 5. The board shall adopt rules pursuant to chapter
25 17A necessary to administer the duties of the board.
26 Rules adopted by the board shall be in accordance with
27 accepted engineering standards and practices. The
28 board shall adopt rules relating to the equipment
29 covered by this chapter that are in accordance with
30 the ASME code, which may include addenda,
31 interpretations, and code cases, as soon as reasonably
32 practical following publication by ASME.

33 6. A notice of defect or inspection report issued
34 by the commissioner pursuant to this chapter may,
35 within thirty days after the making of the order, be
36 appealed to the board. Board action constitutes final
37 agency action for purposes of chapter 17A.

38 7. Not later than July 1, 2005, and every three
39 years thereafter, the board shall conduct a
40 comprehensive review of existing boiler rules,
41 regulations, and standards, including but not limited
42 to those relating to potable hot water supply boilers
43 and water heaters.

44 8. The board shall establish fees for
45 examinations, commissions, inspections, annual
46 statements, shop inspections, and other services. The
47 fees shall reflect the actual costs and expenses
48 necessary to operate the board and perform the duties
49 of the commissioner.

50 Sec. 10. NEW SECTION. 89.15 FUTURE REPEAL.

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1 This chapter is repealed effective July 1, 2012.
2 Sec. 11. Section 89A.1, subsection 2, Code 2003,
3 is amended by striking the subsection.
4 Sec. 12. Section 89A.1, subsection 19, Code 2003,
5 is amended by striking the subsection and inserting in
6 lieu thereof the following:

7 NEW SUBSECTION. 19. "Safety board" means the
8 elevator safety board created in section 89A.13.
9 Sec. 13. Section 89A.3, subsection 1, unnumbered
10 paragraphs 1 and 2, Code 2003, are amended to read as
11 follows:
12 The ~~commissioner~~ safety board may adopt rules
13 governing maintenance, construction, alteration, and
14 installation of facilities, and the inspection and
15 testing of new and existing installations as necessary
16 to provide for the public safety, and to protect the
17 public welfare.
18 The ~~commissioner~~ safety board shall adopt, amend,
19 or repeal rules pursuant to chapter 17A as ~~the~~
20 ~~commissioner~~ it deems necessary for the ~~execution of~~
21 ~~the commissioner's duties under administration of~~ this
22 chapter, which shall include, but not be limited to,
23 rules providing for:
24 Sec. 14. Section 89A.3, subsection 1, paragraphs h
25 and i, Code 2003, are amended by striking the
26 paragraphs.
27 Sec. 15. Section 89A.3, subsection 2, Code 2003,
28 is amended to read as follows:
29 2. The ~~commissioner~~ safety board shall adopt rules
30 for facilities according to the applicable provisions
31 of the American society of mechanical engineers safety
32 codes for elevators and escalators, A17.1 and A17.3,
33 as the ~~commissioner~~ safety board deems necessary. In
34 adopting rules the ~~commissioner~~ safety board may adopt
35 the American society of mechanical engineers safety
36 codes, or any part of the codes, by reference.
37 The ~~commissioner~~ safety board may adopt rules
38 permitting existing passenger and freight elevators to
39 be modified into material lift elevators.
40 Sec. 16. Section 89A.3, subsections 4 and 5, Code
41 2003, are amended to read as follows:
42 4. The commissioner shall furnish copies of the
43 rules adopted ~~by the commissioner pursuant to this~~
44 chapter to any person who requests them, without
45 charge, or upon payment of a charge not to exceed the
46 actual cost of printing of the rules.
47 5. The ~~commissioner~~ safety board may adopt rules
48 permitting inclined or vertical wheelchair lifts in
49 churches and houses of worship to service more than
50 one floor.

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1 Sec. 17. Section 89A.3, Code 2003, is amended by
2 adding the following new subsection:
3 NEW SUBSECTION. 6. The commissioner may adopt
4 rules pursuant to chapter 17A relating to the denial,
5 issuance, revocation, and suspension of special

6 inspector commissions.

7 Sec. 18. Section 89A.6, subsections 2, 3, and 6,
8 Code 2003, are amended to read as follows:

9 2. Every existing facility registered with the
10 commissioner shall be inspected within one year after
11 the effective date of the registration, except that
12 the ~~commissioner safety board~~ may, ~~at the~~
13 ~~commissioner's discretion~~, extend by rule the time
14 specified for making inspections.

15 3. Every facility shall be inspected not less
16 frequently than annually, except that the ~~commissioner~~
17 ~~safety board~~ may adopt rules providing for inspections
18 of facilities at intervals other than annually.

19 6. In addition to the inspections required by
20 subsections 1 to 3, the ~~commissioner safety board~~ may
21 provide by rule for additional inspections as the
22 ~~commissioner safety board~~ deems necessary to enforce
23 the provisions of this chapter.

24 Sec. 19. Section 89A.9, unnumbered paragraph 1,
25 Code 2003, is amended to read as follows:

26 Operating permits shall be issued by the
27 commissioner to the owner of every facility when the
28 inspection report indicates compliance with the
29 applicable provisions of this chapter. However, ~~no~~
30 ~~permits a permit~~ shall ~~not~~ be issued if the fees
31 required by ~~section 89A.13~~ this chapter have not been
32 paid. Permits shall be issued within thirty days
33 after filing of the inspection report required by
34 section 89A.6, unless the time is extended for cause
35 by the division. ~~No A~~ facility shall ~~not~~ be operated
36 after the thirty days or after an extension granted by
37 the commissioner has expired, unless an operating
38 permit has been issued.

39 Sec. 20. Section 89A.10, subsection 2, unnumbered
40 paragraph 1, Code 2003, is amended to read as follows:

41 If the owner does not make the changes necessary
42 for compliance as required in subsection 1 within the
43 period specified by the commissioner, the
44 commissioner, upon notice, may suspend or revoke the
45 operating permit, or may refuse to issue the operating
46 permit for the facility. The commissioner shall
47 notify the owner of any action to suspend, revoke, or
48 refuse to issue an operating permit and the reason for
49 the action by service in the same manner as an
50 original notice or by certified mail. An owner may

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1 appeal the commissioner's initial decision to the
2 safety board. ~~The appeal shall be heard by an~~
3 ~~administrative law judge of the department of~~
4 ~~inspections and appeals. An owner who, after a~~

5 ~~hearing before an administrative law judge, is~~
6 ~~aggrieved by a suspension, revocation, or refusal to~~
7 ~~issue an operating permit may appeal to the employment~~
8 ~~appeal board created under section 10A.601. Notice of~~
9 ~~appeal shall be filed with the appeal board within~~
10 ~~thirty calendar days from receipt of the notice of the~~
11 ~~commissioner's action. The decision of the safety~~
12 ~~board shall be considered final agency action pursuant~~
13 ~~to chapter 17A.~~

14 Sec. 21. Section 89A.10, subsection 2, unnumbered
15 paragraphs 2 and 3, Code 2003, are amended by striking
16 the unnumbered paragraphs.

17 Sec. 22. Section 89A.11, Code 2003, is amended to
18 read as follows:

19 89A.11 NONCONFORMING FACILITIES.

20 The ~~commissioner~~ safety board, pursuant to rule,
21 may grant exceptions and variances from the
22 requirements of rules adopted for any facility.
23 Exceptions or variations shall be reasonably related
24 to the age of the facility, and may be conditioned
25 upon a repair or modification of the facility deemed
26 necessary by the ~~commissioner~~ safety board to assure
27 reasonable safety. However, ~~no an~~ exception or
28 variance ~~may~~ shall not be granted except to prevent
29 undue hardship. Such facilities shall be subject to
30 orders issued pursuant to section 89A.10.

31 Sec. 23. Section 89A.13, Code 2003, is amended by
32 striking the section and inserting in lieu thereof the
33 following:

34 89A.13 ELEVATOR SAFETY BOARD.

35 1. An elevator safety board is created within the
36 division of labor services in the department of
37 workforce development to formulate definitions and
38 rules for the safe and proper installation, repair,
39 maintenance, alteration, use, and operation of
40 facilities in this state.

41 2. The safety board is composed of nine members,
42 one of whom shall be the commissioner or the
43 commissioner's designee. The governor shall appoint
44 the remaining eight members of the board, subject to
45 senate confirmation, to staggered four-year terms
46 which shall begin and end as provided in section
47 69.19. The members shall be as follows: two
48 representatives from an elevator manufacturing company
49 or its authorized representative; two representatives
50 from elevator servicing companies; one building owner

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1 or manager; one representative employed by a local
2 government in this state who is knowledgeable about
3 building codes in this state; one representative of

4 workers actively involved in the installation,
 5 maintenance, and repair of elevators; and one licensed
 6 mechanical engineer.

7 3. A vacancy in membership shall be filled in the
 8 same manner as the original appointment. The members
 9 shall serve without salary, but shall be reimbursed
 10 for actual and necessary expenses incurred in the
 11 performance of official duties as a member.

12 4. The members of the safety board shall select a
 13 chairperson, vice chairperson, and a secretary from
 14 their membership. However, neither the commission nor
 15 the commissioner's designee shall serve as
 16 chairperson. The safety board shall meet at least
 17 quarterly but may meet as often as necessary.
 18 Meetings shall be set by a majority of the safety
 19 board or upon the call of the chairperson, or in the
 20 chairperson's absence, upon the call of the vice
 21 chairperson. A majority of the safety board members
 22 shall constitute a quorum.

23 5. The owner or user of equipment regulated under
 24 this chapter may appeal a notice of defect or an
 25 inspection report to the safety board within thirty
 26 days after the issuance of the notice or report.
 27 Safety board action constitutes final agency action
 28 for purposes of chapter 17A.

29 6. The safety board shall adopt rules pursuant to
 30 chapter 17A necessary to administer the duties of the
 31 board.

32 7. Not later than July 1, 2005, and every three
 33 years thereafter, the safety board shall conduct a
 34 comprehensive review of existing elevator and facility
 35 rules, regulations, and standards.

36 Sec. 24. Section 89A.14, Code 2003, is amended to
 37 read as follows:

38 89A.14 CONTINUING DUTY OF OWNER.

39 Every facility shall be maintained by the owner in
 40 a safe operating condition and in conformity with the
 41 rules adopted by the ~~commissioner~~ safety board.

42 Sec. 25. Section 89A.15, Code 2003, is amended to
 43 read as follows:

44 89A.15 INSPECTIONS BY LOCAL AUTHORITIES.

45 ~~No~~ A city or other governmental subdivision shall
 46 not make or maintain any ordinance, bylaw, or
 47 resolution providing for the licensing of special
 48 inspectors. An ordinance or resolution relating to
 49 the inspection, construction, installation,
 50 alteration, maintenance, or operation of facilities

- 1 within the limits of the city or governmental
- 2 subdivision, which conflicts with this chapter or with

3 rules adopted ~~by the commissioner pursuant to this~~
4 ~~chapter~~ is void. The commissioner, in the
5 commissioner's discretion, may accept inspections by
6 local authorities in lieu of inspections required by
7 section 89A.6, but only upon a showing by the local
8 authority that applicable laws and rules will be
9 consistently and literally enforced, and that
10 inspections will be performed by special inspectors.

11 Sec. 26. Section 89A.18, Code 2003, is amended to
12 read as follows:

13 89A.18 CIVIL PENALTY.

14 If upon notice and hearing the commissioner
15 determines that an owner has operated a facility after
16 an order of the commissioner that suspends, revokes,
17 or refuses to issue an operating permit for the
18 facility has become final under section 89A.10,
19 subsection 2, the commissioner may assess a civil
20 penalty against the owner in an amount not exceeding
21 five hundred dollars, as determined by the
22 commissioner. An order assessing a civil penalty is
23 subject to appeal ~~and judicial review~~ under section
24 89A.10, subsection 2, in the same manner and to the
25 same extent as decisions referred to in that
26 subsection. The commissioner may commence an action
27 in the district court to enforce payment of the civil
28 penalty. No record of assessment against or payment
29 of a civil penalty by any person for a violation of
30 this section shall be admissible as evidence in any
31 court in any civil action. Revenue from the penalty
32 provided in this section shall be remitted to the
33 treasurer of state for deposit in the state general
34 fund.

35 Sec. 27. NEW SECTION. 89A.19 ELEVATOR SAFETY
36 FUND — FEES APPROPRIATED.

37 A revolving elevator safety fund is created in the
38 state treasury under the control of the commissioner
39 and shall consist of moneys collected by the
40 commissioner as fees. Moneys in the fund are
41 appropriated to and shall be used by the commissioner
42 to pay the actual costs and expenses necessary to
43 operate the safety board and perform the duties of the
44 commissioner as described in this chapter. All fees
45 collected by the commissioner pursuant to this chapter
46 shall be remitted to the treasurer of state to be
47 deposited in the elevator safety fund. All salaries
48 and expenses properly chargeable to the fund shall be
49 paid from the fund. Section 8.33 does not apply to
50 any moneys in the fund. Notwithstanding section

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1 12C.7, subsection 2, interest or earnings on moneys
 2 deposited in the fund shall be credited to the fund.
 3 Sec. 28. NEW SECTION. 89A.20 FUTURE REPEAL.
 4 This chapter is repealed effective July 1, 2012.
 5 Sec. 29. Section 602.8102, subsection 25, Code
 6 Supplement 2003, is amended to read as follows:
 7 25. Carry out duties relating to the judicial
 8 review of orders of the ~~employment appeal~~ elevator
 9 safety board as provided in section 89A.10, subsection
 10 2.
 11 Sec. 30. FY 2004–2005 FEE DISPOSITION — INTENT.
 12 Notwithstanding sections 89.8 and 89A.19 or any other
 13 provision of law to the contrary, revenues from fees
 14 imposed or collected during the fiscal year beginning
 15 July 1, 2004, and the amount of accruals of those
 16 revenues collected from the fees imposed or collected
 17 before June 30, 2005, but not remitted to the
 18 commissioner until after June 30, 2005, shall be
 19 deposited in the general fund of the state. It is the
 20 intent of the general assembly that the moneys
 21 appropriated from the general fund of the state to the
 22 division of labor services of the department of
 23 workforce development for the fiscal year beginning
 24 July 1, 2005, and ending June 30, 2006, be reduced by
 25 the total amount of revenues projected to be deposited
 26 in the boiler and pressure vessel safety fund created
 27 by section 89.8 and the elevator safety fund created
 28 by section 89A.19 in the fiscal year beginning July 1,
 29 2005.
 30 Sec. 31. EFFECTIVE DATE. This Act, being deemed
 31 of immediate importance, takes effect upon enactment.”
 32 2. Title page, by striking lines 1 through 4 and
 33 inserting the following: “An Act relating to
 34 equipment and installation safety programs
 35 administered by the division of labor services of the
 36 department of workforce development, and providing an
 37 effective date.”

NEAL SCHUERER
 WILLIAM A. DOTZLER, JR.
 BOB BRUNKHORST

S-5241

1 Amend House File 2481, as passed by the House, as
 2 follows:
 3 1. Page 1, line 3 by striking the word “The” and
 4 inserting the following: “~~The~~ Unless a person”

5 authorized to file a motion under this section
6 objects. the”.

KEITH A. KREIMAN

S-5242

1 Amend House File 2481, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 10 through 17 and
4 inserting the following:
5 “b. The efforts made to effect the purposes of the
6 order have been unsuccessful and all reasonably
7 appropriate services for the child were provided over
8 the immediately preceding two-year period.”

KEITH A. KREIMAN

S-5243

1 Amend House File 2484, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 39, line 25, by striking the word “to”
4 and inserting the following: “shall apply to and may
5 be collected by”.
6 2. Page 39, by inserting after line 27 the
7 following:
8 “Nothing in this section shall be construed to
9 change the prohibition against the sale of title
10 insurance or sale of insurance against loss or damage
11 by reason of defective title or encumbrances as
12 provided in section 515.48, subsection 10.”

RON WIECK

S-5244

1 Amend House File 2434, as passed by the House, as
2 follows:

3 1. Page 13, line 31, by striking the words
4 “paragraph b”.
5 2. Page 13, by inserting after line 32 the
6 following:
7 “1. a. Notwithstanding section 34A.6, the
8 administrator shall adopt by rule a monthly surcharge
9 of up to ~~fifty~~ sixty-five cents to be imposed on each
10 wireless communications service number provided in
11 this state. The surcharge shall be imposed uniformly
12 on a statewide basis and simultaneously on all
13 wireless communications service numbers as provided by
14 rule of the administrator.”
15 3. Page 14, line 1, by striking the word “fifty”

16 and inserting the following: "~~forty~~ sixty-five".

17 4. Page 14, by striking lines 4 and 5.

18 5. Page 15, by inserting after line 14 the
19 following:

20 "b. The program manager shall allocate twenty-one
21 percent of the total amount of surcharge generated to
22 wireless carriers to recover their costs to deliver
23 E911 phase 1 services. If the total amount of moneys
24 remaining in the fund is insufficient to reimburse all
25 wireless carriers for such carrier's eligible
26 expenses, the program manager shall allocate a
27 prorated amount to each wireless carrier equal to the
28 percentage of such carrier's eligible expenses as
29 compared to the total of all eligible expenses for all
30 wireless carriers for the calendar quarter during
31 which such expenses were submitted. When prorated
32 expenses are paid, the remaining unpaid expenses shall
33 no longer be eligible for payment under this
34 paragraph."

35 6. Page 15, line 15, by striking the word "b."
36 and inserting the following: "c."

37 7. Page 15, line 28, by striking the word "c."
38 and inserting the following: "d."

39 8. Page 16, line 18, by striking the word "d."
40 and inserting the following: "e."

41 9. Page 16, line 22, by striking the word "e."
42 and inserting the following: "f."

43 10. Page 16, line 27, by inserting after the word
44 "year." the following: "The program manager shall
45 allocate to each joint E911 service board and to the
46 department of public safety a minimum of one thousand
47 dollars per calendar quarter for each public safety
48 answering point within the service area of the
49 department of public safety or joint E911 service
50 board."

Page 2

1 11. Page 16, line 29, by striking the word "d"
2 and inserting the following: "e".

3 12. Page 16, by striking line 30 and inserting
4 the following: "f shall be twenty-four percent of
5 the total amount of surcharge generated per".

6 13. Page 17, line 9, by inserting after the word
7 "dollars" the following: "for each public safety
8 answering point within the service area of the
9 department of public safety or joint E911 service
10 board".

11 14. Page 17, line 10, by striking the word "e"
12 and inserting the following: "f".

13 15. Page 17, by striking line 22 and inserting
14 the following:

- 15 “g. After amounts in paragraphs “e” and “f” have
16 been”.
17 16. Page 17, line 30, by striking the word “g.”
18 and inserting the following: “h.”
19 17. Page 17, line 31, by striking the word ““f””
20 and inserting the following: ““g””.
21 18. Page 18, line 2, by inserting after the word
22 “sources” the following: “and approved by the program
23 manager”.
24 19. Page 18, line 7, by striking the word “h.”
25 and inserting the following: “i.”
26 20. By renumbering as necessary.

DOUG SHULL
JOHN PUTNEY
DARYL BEALL

S-5245

- 1 Amend Senate File 2295 as follows:
2 1. By striking everything after the enacting
3 clause and inserting the following:
4 “Section 1. NEW SECTION. 422.12F ADDITIONAL
5 TUITION TAX CREDIT.
6 1. The tax imposed under this division, less the
7 credits allowed under sections 422.12 and 422.12B,
8 shall be reduced by an additional tuition tax credit
9 equal to fifty percent of the first one thousand
10 dollars which the taxpayer has paid to others for each
11 dependent in grades kindergarten through twelve, for
12 tuition and textbooks of each dependent in attending
13 an elementary or secondary school situated in Iowa,
14 which school is accredited or approved under section
15 256.11, which is not operated for profit, and which
16 adheres to the provisions of the federal Civil Rights
17 Act of 1964 and chapter 216. As used in this
18 subsection, “textbooks” and “tuition” mean the same as
19 those terms are defined in section 422.12, subsection
20 2.
21 The additional tuition tax credit provided in this
22 section is only available to taxpayers with net
23 incomes of less than forty thousand dollars. The tax
24 credit is in addition to the tuition credit provided
25 in section 422.12, subsection 2, which credit shall be
26 deducted prior to the additional tuition tax credit
27 under this section.
28 2. Any credit in excess of the tax liability shall
29 be refunded. In lieu of claiming a refund, a taxpayer
30 may elect to have the overpayment shown on the
31 taxpayer’s final, completed return credited to the tax
32 liability for the following taxable year.
33 3. Married taxpayers electing to file separate

34 returns or to file separately on a combined return
 35 form must determine the additional tuition tax credit
 36 under subsection 1 based upon their combined net
 37 income and allocate the total credit amount to each
 38 spouse in the proportion that each spouse's respective
 39 net income bears to the total combined net income.
 40 Sec. 2. APPLICABILITY DATE. This Act applies to
 41 tax years beginning on or after January 1, 2005.”
 42 2. Title page, by striking lines 1 and 2 and
 43 inserting the following: “An Act allowing an
 44 additional tuition tax credit for amounts paid for
 45 tuition and textbooks of dependents to attend
 46 elementary and secondary schools in Iowa and including
 47 an”.

MIKE CONNOLLY

S-5246

1 Amend House File 2193, as passed by the House, as
 2 follows:
 3 1. Page 1, by striking lines 5 through 8 and
 4 inserting the following: “course of at least forty
 5 clock hours of training, or one and three-quarters
 6 semester credit hours or the equivalent thereof as
 7 determined pursuant to administrative rule and
 8 regulations promulgated by the United States
 9 department of education, relating to manicuring in a
 10 licensed school of”.
 11 2. Page 1, by striking lines 17 through 20 and
 12 inserting the following: “clock hours, or seventy
 13 semester credit hours or the equivalent thereof as
 14 determined pursuant to administrative rule and
 15 regulations promulgated by the United States
 16 department of education. The clock hours, and
 17 equivalent number of semester credit hours or the
 18 equivalent thereof as determined pursuant to
 19 administrative rule and regulations promulgated by the
 20 United States department of education, of a course of
 21 study required for licensure”.

PAT WARD

S-5247

1 Amend Senate File 2215 as follows:
 2 1. Page 1, by striking line 4 and inserting the
 3 following: “the state treasury under the control of
 4 the authority and invest moneys of the”.
 5 2. Page 1, line 7, by striking the word
 6 “authority” and inserting the following: “treasurer
 7 of state”.

8 3. Page 1, line 10, by inserting after the word
9 “fund.” the following: “For purposes of this
10 subsection, the treasurer of state shall enter into an
11 agreement with the authority to carry out the
12 provisions of this subsection.”

PAUL MCKINLEY

S-5248

1 Amend House File 2396, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 “Section 1. NEW SECTION. 677.7A OFFER TO RECEIVE
6 JUDGMENT AFTER ACTION BROUGHT.

7 The plaintiff in an action for the recovery of
8 money only may, at any time after the service of
9 notice and before trial, serve upon the defendant or
10 the defendant’s attorney an offer in writing to
11 receive judgment against the defendant for a specified
12 sum with costs.

13 Sec. NEW SECTION. 677.8A ACCEPTANCE —
14 OFFER TO RECEIVE JUDGMENT.

15 If the defendant accepts the offer, and gives
16 notice thereof to the plaintiff or the plaintiff’s
17 attorney within five days after the offer is made, the
18 offer, and an affidavit that the notice of acceptance
19 was delivered in the time limited, may be filed by the
20 defendant, or the plaintiff may file the acceptance
21 with a copy of the offer, verified by affidavit; and
22 in either case a minute of the offer and acceptance
23 shall be entered upon the judge’s calendar and
24 judgment shall be rendered by the court accordingly.”

25 2. Page 1, line 1, by inserting after the figure
26 “677.10A” the following: “PENALTY — LOSS OF”.

27 3. Page 1, line 4, by inserting after the words
28 “which is” the following: “at least twenty percent”.

29 4. Page 1, by inserting after line 6, the
30 following:

31 “Sec. NEW SECTION. 677.10B PENALTY —
32 ADDITIONAL PREJUDGMENT INTEREST.

33 If an offer to receive judgment is made under this
34 chapter and is not accepted, and a subsequent trial
35 results in a judgment which is at least twenty percent
36 more than the offer to receive judgment, prejudgment
37 interest shall be calculated at twice the normal rate
38 after the date of the offer to receive judgment.”

39 5. By renumbering as necessary.

KEITH A. KREIMAN

S-5249

1 Amend House File 2530, as passed by the House, as
2 follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 “Sec. ____ Section 602.8102, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 135C. Assess the domestic or
8 sexual abuse surcharge of fifty dollars as provided in
9 section 911.4

10 Sec. ____ Section 602.8107, subsection 4,
11 unnumbered paragraph 2, Code Supplement 2003, is
12 amended to read as follows:

13 This subsection does not apply to amounts collected
14 for victim restitution, the victim compensation fund,
15 criminal penalty surcharge, law enforcement initiative
16 surcharge, domestic or sexual abuse surcharge, amounts
17 collected as a result of procedures initiated under
18 subsection 5 or under section 8A.504, or sheriff’s
19 room and board fees.”

20 2. Page 2, by inserting after line 23 the
21 following:

22 “4A. The clerk of the district court shall remit
23 all moneys collected from the domestic or sexual abuse
24 surcharge provided in section 911.4 to the state court
25 administrator for deposit in the crime victim
26 compensation fund established in section 915.94.”

27 3. Page 4, line 10, by striking the word and
28 figure “and 911.3” and inserting the following: “~~and~~
29 911.3, and 911.4”.

30 4. Page 4, line 17, by striking the word and
31 figure “and 911.3” and inserting the following: “~~and~~
32 911.3, and 911.4”.

33 5. Page 4, by inserting after line 20 the
34 following:

35 “Sec. ____ Section 909.8, Code 2003, is amended to
36 read as follows:

37 909.8 PAYMENT AND COLLECTION PROVISIONS APPLY TO
38 SURCHARGE.

39 The provisions of this chapter governing the
40 payment and collection of a fine, except section
41 909.3A, also apply to the payment and collection of
42 surcharges imposed pursuant to chapter 911. However,
43 section 909.10 shall not apply to surcharges assessed
44 under ~~section sections~~ 911.3 and 911.4.”

45 6. Page 6, by inserting after line 16 the
46 following:

47 “Sec. ____ NEW SECTION. 911.4 DOMESTIC OR SEXUAL
48 ABUSE SURCHARGE.

49 1. In addition to any other surcharges assessed
50 under this chapter, a domestic or sexual abuse

Page 2

- 1 surcharge of fifty dollars shall be assessed by the
2 clerk of the district court if an adjudication of
3 guilt or a deferred judgment has been entered for a
4 criminal violation of section 708.2A, 709.2, 709.3, or
5 709.4.
6 2. In the event of multiple offenses, the
7 surcharge shall be imposed for each applicable
8 offense.
9 3. The surcharge shall be remitted by the clerk of
10 court as provided in section 602.8108, subsection 4A.”
11 7. By renumbering as necessary.

ROBERT E. DVORSKY

S-5250

- 1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 21 the
4 following:
5 “Sec. ____ CHILD IN NEED OF ASSISTANCE DIVERSION
6 PILOT PROJECT. The department of human services shall
7 implement a child in need of assistance diversion
8 pilot project in at least twelve counties, involving
9 equal proportions of small, medium, and large
10 counties. The purposes of the project are to divert
11 selected child abuse and neglect cases that may
12 otherwise result in a child in need of assistance
13 adjudication, improve permanency for children, promote
14 family unification, and reduce state expenditures
15 associated with adjudication of child in need of
16 assistance cases. Under the pilot project, unless the
17 department determines that the pilot project approach
18 would not be in the child’s best interest, prior to a
19 petition for a child’s removal being filed, the
20 department shall conduct a full case staffing for the
21 child’s case. The staffing participants shall include
22 but are not limited to relevant treatment providers,
23 the child’s parent or guardian, and other persons
24 involved with the child. The department shall report
25 to the governor and the general assembly regarding the
26 effectiveness of the pilot project. An interim report
27 shall be submitted by December 15, 2005, and a final
28 report by December 15, 2006.”
29 2. By renumbering as necessary.

KEITH A. KREIMAN

S-5251

1 Amend the amendment, S-5240, to House File 2447 as
2 follows:
3 1. Page 1, by striking lines 1 and 2, and
4 inserting the following:
5 "Amend House File 2447, as passed by the House, as
6 follows:"
7 2. Page 1, by inserting after line 4 the
8 following:
9 "Sec. ____ Section 10A.601, subsections 1 and 7,
10 Code Supplement 2003, are amended to read as follows:
11 1. A full-time employment appeal board is created
12 within the department of inspections and appeals to
13 hear and decide contested cases under chapter 8A,
14 subchapter IV, and chapters 80, 88, ~~89A~~, 91C, 96, and
15 97B.
16 7. An application for rehearing before the appeal
17 board shall be filed pursuant to section 17A.16,
18 unless otherwise provided in chapter 8A, subchapter
19 IV, or chapter 80, 88, ~~89A~~, 91C, 96, or 97B. A
20 petition for judicial review of a decision of the
21 appeal board shall be filed pursuant to section
22 17A.19. The appeal board may be represented in any
23 such judicial review by an attorney who is a regular
24 salaried employee of the appeal board or who has been
25 designated by the appeal board for that purpose, or at
26 the appeal board's request, by the attorney general.
27 Notwithstanding the petitioner's residency requirement
28 in section 17A.19, subsection 2, a petition for
29 judicial review may be filed in the district court of
30 the county in which the petitioner was last employed
31 or resides, provided that if the petitioner does not
32 reside in this state, the action shall be brought in
33 the district court of Polk county, Iowa, and any other
34 party to the proceeding before the appeal board shall
35 be named in the petition. Notwithstanding the thirty-
36 day requirement in section 17A.19, subsection 6, the
37 appeal board shall, within sixty days after filing of
38 the petition for judicial review or within a longer
39 period of time allowed by the court, transmit to the
40 reviewing court the original or a certified copy of
41 the entire records of a contested case. The appeal
42 board may also certify to the court, questions of law
43 involved in any decision by the appeal board.
44 Petitions for judicial review and the questions so
45 certified shall be given precedence over all other
46 civil cases except cases arising under the workers'
47 compensation law of this state. No bond shall be
48 required for entering an appeal from any final order,
49 judgment, or decree of the district court to the
50 supreme court."

Page 2

- 1 3. Page 1, line 41, by inserting before the word
- 2 "A" the following: "1."
- 3 4. Page 2, by inserting after line 3 the
- 4 following:
- 5 "2. This section is repealed effective July 1,
- 6 2012."
- 7 5. By striking page 3, line 50 through page 4,
- 8 line 1.
- 9 6. Page 8, line 37, by inserting before the word
- 10 "A" the following: "1."
- 11 7. Page 9, by inserting after line 2 the
- 12 following:
- 13 "2. This section is repealed effective July 1,
- 14 2012."
- 15 8. Page 9, by striking lines 3 and 4.
- 16 9. By renumbering as necessary.

DICK L. DEARDEN
BOB BRUNKHORST

S-5252

- 1 Amend House File 2471, 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 331.658, Code 2003, is amended
- 6 by adding the following new subsection:
- 7 NEW SUBSECTION. 1A. A county shall not send a
- 8 prisoner from the county to another state if the
- 9 prisoner is awaiting judgment of conviction or serving
- 10 a sentence for an offense committed in this state
- 11 unless the prisoner poses a substantial danger to
- 12 oneself or another person if the prisoner remains in a
- 13 jail in this state. This subsection shall not apply
- 14 to chapter 821."
- 15 2. Title page, by striking lines 1 and 2, and
- 16 inserting the following: "An Act relating to
- 17 detaining prisoners in this state or another state,
- 18 and providing an".

KEITH A. KREIMAN

S-5253

- 1 Amend House File 2481, as passed by the House, as
- 2 follows:
- 3 1. Page 1, by inserting after line 17 the
- 4 following:
- 5 "If the purposes of a dispositional order have not

6 been accomplished due to the failure of the state to
 7 fully fund necessary services for the child, the court
 8 shall not terminate the order under this subsection.”

JACK HOLVECK

S-5254

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2149

1 Amend the Senate amendment, H-8344, to House File
 2 2186, as passed by the House as follows:
 3 1. Page 1, line 7, by inserting after the word
 4 “dollars,” the following: “and eighty hours of
 5 community service or, in lieu of the community
 6 service, a minimum of four thousand dollars and not
 7 more than ten thousand dollars.”
 8 2. Page 1, line 11, by inserting after the word
 9 “dollars,” the following: “and eighty hours of
 10 community service or, in lieu of the community
 11 service, a minimum of ten thousand dollars and not
 12 more than twenty thousand dollars.”

S-5255

HOUSE AMENDMENT TO
 SENATE FILE 2119

1 Amend Senate File 2119, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by inserting before line 1 the
 4 following:
 5 “Section 1. Section 12C.22, subsection 1,
 6 paragraph b, Code 2003, is amended by striking the
 7 paragraph.
 8 Sec. ____ Section 12C.22, subsection 1, paragraph
 9 c, Code 2003, is amended to read as follows:
 10 c. In the event an assessment is paid by a bank to
 11 the treasurer of state pursuant to section 12C.23A, ~~or~~
 12 ~~in the event that collateral pledged by the bank is~~
 13 ~~liquidated pursuant to section 12C.23A, subsection 3,~~
 14 ~~paragraph “c”, and the proceeds are used to pay the~~
 15 ~~assessment,~~ the bank is subrogated to the claim of a
 16 public funds depositor to the extent the claim is paid
 17 from funds paid by the bank ~~or proceeds of collateral~~
 18 ~~pledged by the bank are used to pay the assessment.”~~
 19 2. Page 1, by inserting after line 5 the
 20 following:
 21 “Sec. ____ Section 12C.23A, subsection 3,

22 paragraph e, Code Supplement 2003, is amended to read
23 as follows:

24 e. If a bank fails to pay its assessment when due,
25 the treasurer of state shall ~~satisfy the assessment by~~
26 ~~liquidating collateral pledged by the bank upon such~~
27 ~~notice as is required by chapter 554. If the~~
28 ~~collateral pledged by the bank is inadequate to pay~~
29 ~~the assessment, the treasurer of state shall make~~
30 additional assessments as may be necessary against
31 other banks that hold uninsured public funds to
32 satisfy any unpaid assessment. Any additional
33 assessments shall be determined, collected, and
34 satisfied in the same manner as the first assessment
35 except that in calculating the amount of each such
36 additional assessment, the amount of uninsured public
37 funds held by the bank that fails to pay the
38 assessment shall not be counted.

39 Sec. ____ Section 12C.23A, subsection 3, paragraph
40 f, Code Supplement 2003, is amended by striking the
41 paragraph.

42 Sec. ____ Section 12C.23A, subsection 3, paragraph
43 g, Code Supplement 2003, is amended to read as
44 follows:

45 g. If a bank fails to pay its assessment when due
46 ~~and the proceeds from liquidation of the collateral~~
47 ~~pledged by the bank are not sufficient to pay the~~
48 ~~assessment against the bank~~, the treasurer of state
49 shall notify the superintendent or the comptroller of
50 the currency, as applicable, of the failure to pay the

Page 2

1 assessment. If the bank that has failed to pay the
2 assessment is a nationally chartered financial
3 institution, the superintendent shall immediately
4 notify the bank's primary federal regulator. If the
5 assessment is not paid within thirty days after the
6 bank received the notice of assessment, the treasurer
7 of state shall initiate a lawsuit to collect the
8 amount of the assessment. If a bank is found to have
9 failed to pay the assessment as required by this
10 subsection and is ordered to pay the assessment, the
11 court shall also order that the bank pay court costs
12 and reasonable attorney fees based on the amount of
13 time the attorney general's office spent preparing and
14 bringing the action, and reasonable expenses incurred
15 by the treasurer of state.

16 Sec. ____ EFFECTIVE DATE. This Act, being deemed
17 of immediate importance, takes effect upon enactment.”

18 3. Title page, line 1, by inserting before the
19 word “collateral” the following: “obligations secured
20 by”.

21 4. Title page, line 3, by inserting after the
 22 word "moneys" the following: ", and providing an
 23 effective date".

S-5256

HOUSE AMENDMENT TO SENATE FILE 2208

1 Amend Senate File 2208, as passed by the Senate, as
 2 follows:

- 3 1. Page 1, by striking lines 6 and 7.
- 4 2. Page 1, by striking lines 10 and 11.
- 5 3. Page 4, by inserting after line 3, the
 6 following:

7 "DIVISION ____

8 ACCOUNTABLE GOVERNMENT ACT

9 Sec. ____ Section 8E.103, subsection 1, Code 2003,
 10 is amended to read as follows:

11 1. "Agency" means a principal central department
 12 enumerated in section 7E.5. ~~For~~ However, for purposes
 13 of this chapter, ~~each~~ all of the following apply:

- 14 a. The department of agriculture and land
 15 stewardship is not considered an agency.
- 16 b. Each division within the department of commerce
 17 ~~shall be is~~ considered an agency, and each bureau
 18 within a division of the department of commerce ~~shall~~
 19 ~~be is~~ considered a division, as otherwise provided in
 20 chapter 7E."

21 4. Page 4, by inserting after line 3 the
 22 following:

23 "DIVISION ____

24 MILK REGULATION

25 Sec. ____ Section 192.101A, unnumbered paragraph
 26 1, Code Supplement 2003, is amended to read as
 27 follows:

28 As used in this chapter, all terms shall have the
 29 same meaning as defined in the "Grade 'A' Pasteurized
 30 Milk Ordinance, 2001 Revision" Ordinance" as provided
 31 in section 192.102. However, notwithstanding the
 32 ordinance, the following definitions shall apply:

33 Sec. ____ Section 192.102, Code Supplement 2003,
 34 is amended to read as follows:

35 192.102 GRADE "A" PASTEURIZED MILK ORDINANCE.

36 The department shall adopt, by rule, the "Grade 'A'
 37 Pasteurized Milk Ordinance, ~~2001~~ 2003 Revision",
 38 including a subsequent revision of the ordinance. If
 39 the ordinance specifies that compliance with a
 40 provision of the ordinance's appendices is mandatory,
 41 the department shall also adopt that provision. The
 42 department shall not amend the ordinance, unless the
 43 department explains each amendment and reasons for the

44 amendment in the Iowa administrative bulletin when the
45 rules are required to be published pursuant to chapter
46 17A. The department shall administer this chapter
47 consistent with the provisions of the ordinance.
48 Sec. ____ Section 192.110, subsection 1, Code
49 Supplement 2003, is amended to read as follows:
50 1. The person has a pasteurized milk and milk

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1 products sanitation compliance rating of ninety
2 percent or more as calculated according to the rating
3 system as contained in the federal public health
4 service publications, "Procedures Governing the
5 Cooperative State-Public Health Service/Food and Drug
6 Administration Program for Certification of Interstate
7 Milk Shippers ~~2001-2003~~" and "Method of Making
8 Sanitation Ratings of Milk Supplies, ~~2001-2003~~
9 Revision". The applicable provisions of these
10 publications are incorporated into this section by
11 this reference. A copy of each publication shall be
12 on file with the department or in the office of the
13 person subject to an inspection contract as provided
14 in section 192.108."
15 5. By renumbering, relettering, or redesignating
16 and correcting internal references as necessary.

S-5257

1 Amend the amendment, S-5128, to House File 2200, as
2 passed by the House, as follows:
3 1. Page 2, by striking lines 34 through 36.
4 2. Page 2, line 37, by striking the word "c." and
5 inserting the following: "b."
6 3. By striking page 5, line 50, through page 6,
7 line 5.
8 4. Page 6, line 6, by striking the figure "6."
9 and inserting the following: "5."
10 5. Page 6, by inserting after line 8 the
11 following:
12 "____. Page 3, by inserting after line 1 the
13 following:
14 "Sec. ____ APPLICABILITY DATE. The sections of
15 this Act enacting sections 100C.1 through 100C.6,
16 100C.8, and 100C.9 shall not be applicable until July
17 1, 2005."
18 6. Page 6, line 16, by inserting after the word
19 "penalties" the following: "and for the Act's
20 applicability".
21 7. By renumbering as necessary.

STEVE KETTERING

S-5258

1 Amend House File 2544, as passed by the House, as
2 follows:

3 1. Page 1, lines 29 and 30, by striking the words
4 “or in lieu thereof” and inserting the following: “~~or~~
5 ~~in lieu thereof~~”.

ROGER STEWART

S-5259

1 Amend House File 2262, 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 “DIVISION I
6 PUBLIC SAFETY PEACE OFFICERS’ RETIREMENT, ACCIDENT,
7 AND
8 DISABILITY SYSTEM

9 Section 1. Section 97A.17, subsection 1, Code
10 2003, is amended by adding the following new
11 paragraph:

12 NEW PARAGRAPH. e. “Refund liability” means the
13 amount the member may elect to withdraw from the
14 former system under section 411.23.

15 Sec. 2. Section 97A.17, subsection 2, Code 2003,
16 is amended to read as follows:

17 2. Commencing July 1, 1996, a vested member of an
18 eligible retirement system who terminates employment
19 covered by one eligible retirement system and, within
20 one year, commences employment covered by the other
21 eligible retirement system may elect to transfer the
22 greater of the average accrued benefit or the refund
23 liability earned from the former system to the current
24 system. The member shall file an application with the
25 current system for transfer of the greater of the
26 average accrued benefit or the refund liability within
27 ninety days of the commencement of employment with the
28 current system.

29 Sec. 3. Section 97A.17, subsection 4, Code 2003,
30 is amended to read as follows:

31 4. Upon receipt of an application for transfer ~~of~~
32 ~~the average accrued benefit as provided in this~~
33 section, the current system shall calculate the
34 average accrued benefit and the refund liability and
35 the former system shall transfer to the current system
36 assets in an amount equal to the greater of the
37 average accrued benefit or the refund liability. Once
38 the transfer ~~of the average accrued benefit~~ is
39 completed, the member’s service under the former
40 system shall be treated as membership service under

41 the current system for purposes of this chapter and
42 chapter 411.

43 DIVISION II

44 IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (IPERS)

45 Sec. 4. Section 97B.1A, subsection 11, paragraphs
46 a, b, and c, Code Supplement 2003, are amended to read
47 as follows:

48 a. Has attained the minimum age for receipt of a
49 retirement allowance under this chapter.

50 b. If the member has not attained seventy years of

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1 age, has terminated all employment covered under the
2 chapter or formerly covered under the chapter pursuant
3 to section 97B.42 in the month prior to the member's
4 first month of entitlement.

5 c. Has filed a completed application for benefits
6 with the system setting forth the member's intended
7 first month of entitlement.

8 Sec. 5. Section 97B.1A, subsection 20, Code
9 Supplement 2003, is amended by adding the following
10 new paragraph:

11 NEW PARAGRAPH. e. Employment with an employer
12 prior to January 1, 1946, if the member is not
13 receiving a retirement allowance based upon that
14 employment.

15 Sec. 6. Section 97B.1A, subsection 20, Code
16 Supplement 2003, is amended by adding the following
17 new unnumbered paragraph after paragraph d:
18 NEW UNNUMBERED PARAGRAPH. However, effective July
19 1, 2004, "service" does not mean service for which an
20 employee receives remuneration from an employer for
21 temporary employment during any quarter in which the
22 employee is on an otherwise unpaid leave of absence
23 that is not authorized under the federal Family and
24 Medical Leave Act of 1993 or other similar leave.
25 Remuneration paid by the employer for the temporary
26 employment shall not be treated by the system as
27 covered wages.

28 Sec. 7. Section 97B.1A, subsection 22, Code
29 Supplement 2003, is amended to read as follows:

30 22. "Special service" means service for an
31 employer while employed in a protection occupation as
32 provided in section 97B.49B, and as a county sheriff,
33 ~~or deputy sheriff, or airport fire fighter~~ as provided
34 in section 97B.49C.

35 Sec. 8. Section 97B.1A, subsection 24, paragraphs
36 a and c, Code Supplement 2003, are amended to read as
37 follows:

38 a. "Three-year average covered wage" means, for a
39 member who retires prior to July 1, ~~2005~~ 2008, a

40 member's covered wages averaged for the highest three
41 years of the member's service, except as otherwise
42 provided in this subsection. The highest three years
43 of a member's covered wages shall be determined using
44 calendar years. However, if a member's final quarter
45 of a year of employment does not occur at the end of a
46 calendar year, the system may determine the wages for
47 the third year by computing the average quarter of all
48 quarters from the member's highest calendar year of
49 covered wages not being used in the selection of the
50 two highest years and using the computed average

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1 quarter for each quarter in the third year in which no
2 wages have been reported in combination with the final
3 quarter or quarters of the member's service to create
4 a full year. However, the system shall not use the
5 member's final quarter of wages if using that quarter
6 would reduce the member's three-year average covered
7 wage. If the three-year average covered wage of a
8 member exceeds the highest maximum covered wages in
9 effect for a calendar year during the member's period
10 of service, the three-year average covered wage of the
11 member shall be reduced to the highest maximum covered
12 wages in effect during the member's period of service.
13 Notwithstanding any other provision of this paragraph
14 to the contrary, a member's wages for the third year
15 as computed by this paragraph shall not exceed, by
16 more than three percent, the member's highest actual
17 calendar year of covered wages for a member whose
18 first month of entitlement is January 1999 or later.

19 c. "Three-year average covered wage" means, for a
20 member who retires on or after July 1, ~~2005~~ 2008, the
21 greater of the member's covered wages averaged for a
22 member's highest twelve consecutive quarters of
23 service or the member's covered wages averaged for a
24 member's highest three calendar years of service. The
25 system shall adopt rules to implement this paragraph
26 in accordance with the requirements of this chapter
27 and the federal Internal Revenue Code.

28 Sec. 9. Section 97B.1A, subsection 25, paragraph
29 a, subparagraph (4), Code Supplement 2003, is amended
30 to read as follows:

31 (4) Has attained the age of fifty-five. However,
32 an inactive member who has not attained sufficient
33 years of service eligibility to become vested and who
34 has not attained the age of fifty-five as of July 1,
35 2005, shall not become vested upon the attainment of
36 the age of fifty-five while an inactive member.

37 Sec. 10. Section 97B.1A, subsection 26, paragraph
38 a, subparagraph (2), subparagraph subdivision (j),

39 Code Supplement 2003, is amended to read as follows:

40 (j) Payments of damages, attorney fees, interest,
41 and penalties made to satisfy a grievance, ~~or~~ wage
42 claim, or employment dispute.

43 Sec. 11. Section 97B.1A, subsection 26, paragraph
44 a, subparagraph (2), subparagraph subdivision (n),
45 Code Supplement 2003, is amended by striking the
46 subparagraph subdivision.

47 Sec. 12. Section 97B.1A, subsection 26, paragraph
48 b, unnumbered paragraph 3, Code Supplement 2003, is
49 amended to read as follows:

50 Effective July 1, 1992, "covered wages" does not

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1 include wages to a member on or after the effective
2 date of the member's retirement, except as otherwise
3 permitted by the system's administrative rules, unless
4 the member is reemployed, as provided under section
5 97B.48A.

6 Sec. 13. NEW SECTION. 97B.9A COLLECTIONS —
7 WAIVER.

8 Notwithstanding any provision of this chapter to
9 the contrary, the system may, in its sole discretion,
10 waive the collection of benefits overpayments,
11 contribution underpayments, or any other debts owed
12 the system, that occur more than three years prior to
13 the date of discovery of the overpayment,
14 underpayment, or debt by the system, for cases in
15 which there is no evidence of fraud or other
16 misconduct on the part of the affected employer or the
17 affected member or beneficiary in providing or failing
18 to provide information necessary to the proper
19 determination of a debt owed the system, calculation
20 of contributions and payments, or calculation of
21 benefits under this chapter.

22 Sec. 14. Section 97B.11, Code Supplement 2003, is
23 amended to read as follows:

24 97B.11 CONTRIBUTIONS BY EMPLOYER AND EMPLOYEE.

25 1. Each employer shall deduct from the wages of
26 each member of the retirement system a contribution in
27 the amount of ~~three and seven-tenths percent~~ the
28 applicable employee percentage of the covered wages
29 paid by the employer, until the member's termination
30 from employment. The contributions of the employer
31 shall be in the amount of ~~five and seventy-five~~
32 ~~hundredths percent~~ the applicable employer percentage
33 of the covered wages of the member.

34 2. For purposes of this section, the "applicable
35 employee percentage" is as follows:

36 a. Prior to July 1, 2005, three and seven-tenths
37 percent.

38 b. Beginning on or after July 1, 2005, four and
39 one-tenths percent.
40 3. For purposes of this section, the “applicable
41 employer percentage” is as follows:
42 a. Prior to July 1, 2005, five and seventy-five
43 hundredths percent.
44 b. Beginning on or after July 1, 2005, six and
45 thirty-five hundredths percent.
46 Sec. 15. Section 97B.14A, Code Supplement 2003, is
47 amended to read as follows:
48 97B.14A WAGE REPORTING.
49 1. For purposes of this section, unless the
50 context otherwise requires:

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1 a. “Change in the schedule of wage payments” means
2 the formal or informal deferral of wages earned in one
3 calendar year to a later calendar year or the
4 acceleration of the wages payable under a contract of
5 employment to the prior calendar year by changing the
6 period over which the contractual compensation is
7 paid, by shortening the period of employment over
8 which contract wages are to be paid, or similar
9 arrangements altering the timing of wage payments.
10 b. “Distortion of the normal wage progression
11 pattern” means an increase of ten percent or more
12 between the covered wages reported for any two
13 consecutive years.
14 2. An employer shall report wages of employees
15 covered by this chapter to the system in a manner and
16 form as prescribed by the system. If the wages
17 reported by an employer appear to be a distortion of
18 the normal wage progression pattern for an employee,
19 the system may request that the employer provide
20 documentation indicating that the wages were not
21 misreported for the purposes of causing an increase in
22 the retirement allowance or other payments authorized
23 to be made by this chapter explaining the reason for
24 the distortion. If the system determines that the
25 wages of an employee were misreported, the employer
26 shall prepare and file wage adjustments allocating the
27 wages to the proper wage reporting period. If the
28 distortion of the normal wage progression pattern
29 results from covering compensation that is excluded
30 from the definition of covered wages, or from a change
31 in the schedule of wage payments for an individual,
32 the system shall remove wages that should not be
33 covered from its records, and shall, in cases
34 involving increases caused by a change in the schedule
35 of wage payments, reallocate covered wages to the
36 calendar quarters in which the covered wages would

37 have been reported but for the change in the schedule
38 of wage payments.

39 Sec. 16. Section 97B.17, subsection 1, Code

40 Supplement 2003, is amended to read as follows:

41 1. The system shall establish and maintain records
42 of each member, including but not limited to the
43 amount of wages of each member, the ~~contribution~~
44 contributions made on behalf of each member with
45 interest, ~~and~~ interest dividends credited, ~~beneficiary~~
46 designations, and applications for benefits of any
47 type. The records may be maintained in paper,
48 magnetic, or electronic form, including optical disk
49 storage, as set forth in chapter 554D. The system may
50 accept, but shall not require, electronic records and

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1 electronic signatures to the extent permitted under
2 chapter 554D. These records are the basis for the
3 compilation of the retirement benefits provided under
4 this chapter.

5 Sec. 17. Section 97B.38, Code Supplement 2003, is
6 amended to read as follows:

7 97B.38 FEES FOR SERVICES.

8 The system may, by rule, prescribe ~~the maximum~~
9 reasonable fees which may be charged for ~~services~~
10 ~~performed in connection with any claim before the~~
11 ~~system under this chapter, and any agreement in~~
12 ~~violation of such rules shall be void~~ production
13 costs, including staff time and materials, associated
14 with performing its duties under this chapter for
15 active, inactive, and retired members, beneficiaries,
16 and the general public, where such production costs
17 are more than de minimis, as determined by the system.
18 ~~Any person who shall, with intent to defraud, in any~~
19 ~~manner willfully and knowingly deceive, mislead, or~~
20 ~~threaten any claimant or prospective claimant or~~
21 ~~beneficiary under this chapter by word, circular,~~
22 ~~letter or advertisement, or who shall knowingly charge~~
23 ~~or collect directly or indirectly any fee in excess of~~
24 ~~the maximum fee, or make any agreement directly or~~
25 ~~indirectly to charge or collect any fee in excess of~~
26 ~~the maximum fee, prescribed by the system, shall be~~
27 ~~deemed guilty of a fraudulent practice.~~

28 Sec. 18. Section 97B.40, Code Supplement 2003, is
29 amended by adding the following new subsection:

30 NEW SUBSECTION. 1A. If the system determines that
31 a person may have engaged in a fraudulent practice as
32 described under this section, the system may, in
33 addition to any statutory or equitable remedies
34 provided by law, refer the matter to the auditor of
35 state and to the appropriate law enforcement

36 authorities for possible investigation and
37 prosecution.
38 Sec. 19. Section 97B.42, unnumbered paragraph 8,
39 Code Supplement 2003, is amended by striking the
40 unnumbered paragraph and inserting in lieu thereof the
41 following:

42 Except as otherwise provided in this section, an
43 employer shall not sponsor and a member shall not
44 participate in another retirement system in this state
45 supported in whole or in part by public contributions
46 or payments where such retirement system is in lieu of
47 the retirement system established by this chapter.
48 However, in addition to the retirement system
49 established by this chapter, an employer may sponsor
50 and a member may participate in a supplemental defined

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1 contribution plan qualified under Internal Revenue
2 Code section 401(a), a tax-deferred annuity qualified
3 under Internal Revenue Code section 403(b), or an
4 eligible deferred compensation plan qualified under
5 Internal Revenue Code section 457, regardless of
6 whether contributions to such supplemental plans are
7 characterized as employer contributions or employee
8 contributions, and subject to the applicable limits
9 set forth in the Internal Revenue Code for such plans.
10 A defined benefit plan that supplements the retirement
11 system established by this chapter shall not be
12 offered by public employers covered under this
13 chapter.

14 Sec. 20. Section 97B.42A, subsection 4, Code
15 Supplement 2003, is amended to read as follows:

16 4. A person who becomes a member of the retirement
17 system pursuant to subsection 3, or who is a member of
18 the retirement system, and who has one or more years
19 of covered wages, may purchase credit, pursuant to
20 section 97B.73, Code 2003, for one or more quarters of
21 service prior to January 1, 1999, in which the person
22 was employed in a position as described in section
23 97B.1A, subsection 8, paragraph "a", but was not a
24 member of the retirement system.

25 Sec. 21. Section 97B.42A, subsection 5, unnumbered
26 paragraph 2, Code Supplement 2003, is amended to read
27 as follows:

28 A person who becomes a member of the Iowa public
29 employees' retirement system pursuant to this
30 subsection, and who has one or more years of covered
31 wages, may purchase credit, pursuant to section
32 97B.73, Code 2003, for one or more quarters of service
33 prior to August 1, 2000, in which the person was
34 employed in a position as described by section 97B.1A,

35 subsection 8, paragraph "a", subparagraph (11), but
36 was not a member of the retirement system.
37 Sec. 22. Section 97B.43, unnumbered paragraph 3,
38 Code Supplement 2003, is amended to read as follows:
39 Each individual who on or after July 1, 1978, was
40 an active, vested, or retired member and who (1) made
41 application for and received a refund of contributions
42 made under the abolished system or (2) has on deposit
43 with the retirement fund contributions made under the
44 abolished system shall be entitled to credit for years
45 of prior service in the determination of retirement
46 allowance payments by filing a written election with
47 the system on or after July 1, 1978, and by
48 redepositing any withdrawn contributions under the
49 abolished system together with interest as stated in
50 this paragraph. Any individual who on or after July

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1 1, 1978, is a retired member and who made application
2 for and received a refund of contributions made under
3 the abolished system may, by filing a written election
4 with the system on or after July 1, 1978, have the
5 system retain fifty percent of the monthly increase in
6 retiree benefits that will accrue to the individual
7 because of prior service. If the monthly increase in
8 retirement benefits is less than ten dollars, the
9 system shall retain five dollars of the scheduled
10 increase, and if the monthly increase is less than
11 five dollars, the provisions of this paragraph shall
12 not apply. The system shall continue to retain such
13 funds until the withdrawn contributions, together with
14 interest accrued to the month in which the written
15 election is filed, have been repaid. Due notice of
16 this provision shall be sent to all retired members on
17 or after July 1, 1978. However, this paragraph shall
18 not apply to any person who received a refund of any
19 membership service contributions unless the person
20 repaid the membership service contributions pursuant
21 to section ~~97B.74~~ 97B.80C; but a refund of
22 contributions remitted for the calendar quarter ending
23 September 30, 1953 which was based entirely upon
24 employment which terminated prior to July 4, 1953
25 shall not be considered as a refund of membership
26 service contributions. The interest to be paid into
27 the fund shall be compounded at the rates credited to
28 member accounts from the date of payment of the refund
29 of contributions under the abolished system to the
30 date the member redeposits the refunded amount. The
31 provisions of the first paragraph of this section
32 relating to the consideration given to credited
33 amounts shall apply to the redeposited amounts or to

34 amounts left on deposit. Effective July 1, 1978, the
 35 provisions of this paragraph shall apply to each
 36 individual who on or after July 1, 1978, was an
 37 active, vested, or retired member, but who was not in
 38 service on July 4, 1953. The period for filing the
 39 written election with the system and redepositing any
 40 withdrawn contributions together with interest accrued
 41 shall commence July 1, 1978. A member who is a
 42 retired member on or after July 1, 1978, may file
 43 written election with the system on or after July 1,
 44 1978, to have the system retain fifty percent of the
 45 monthly increase as provided in this paragraph.
 46 Sec. 23. Section 97B.43, unnumbered paragraph 4,
 47 Code Supplement 2003, is amended to read as follows:
 48 Effective July 1, ~~1988~~ 2004, a member eligible for
 49 an increased retirement allowance because of the
 50 repayment of contributions under this section is

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1 entitled to receipt of ~~retroactive~~ adjustment payments
 2 ~~for no more than six months immediately preceding~~
 3 ~~beginning with~~ the month in which ~~written notice~~
 4 ~~payment was submitted to received by~~ the system.
 5 Sec. 24. Section 97B.45, unnumbered paragraph 2,
 6 Code Supplement 2003, is amended by striking the
 7 unnumbered paragraph.
 8 Sec. 25. Section 97B.46, subsection 2, Code
 9 Supplement 2003, is amended to read as follows:
 10 2. A member remaining in service after attaining
 11 the age of seventy years is entitled to receive a
 12 retirement allowance under sections 97B.49A through
 13 97B.49H, as applicable, ~~commencing with payment for~~
 14 ~~the calendar month within which the written notice is~~
 15 ~~submitted to the system, except that if the member~~
 16 ~~fails to submit the notice on a timely basis,~~
 17 ~~retroactive payments shall be made for no more than~~
 18 ~~six months immediately preceding the month in which~~
 19 ~~the written notice is submitted without terminating~~
 20 ~~employment.~~
 21 Sec. 26. Section 97B.47, Code Supplement 2003, is
 22 amended to read as follows:
 23 97B.47 EARLY RETIREMENT DATE.
 24 A member's early retirement date shall be the first
 25 of the month in which a member attains the age of
 26 fifty-five years or the first of any month after
 27 attaining the age of fifty-five years prior to the
 28 member's normal retirement date, provided such date
 29 shall be after the last day of service. ~~A member may~~
 30 ~~retire on the member's early retirement date by~~
 31 ~~submitting written notice to the system setting forth~~
 32 ~~the early retirement date which shall not be before~~

33 ~~the first day of the sixth calendar month preceding~~
34 ~~the month in which such notice is filed.~~
35 Sec. 27. Section 97B.48, subsections 1 and 2, Code
36 Supplement 2003, are amended to read as follows:
37 1. Retirement allowances shall be paid monthly,
38 except that, if an allowance of less than six hundred
39 dollars a year may, at the member's option is payable
40 pursuant to section 97B.51, subsection 1, paragraph
41 "b", the member's retirement benefit shall be paid as
42 a lump sum in an amount equal to the sum of the
43 member's and employer's accumulated contributions and
44 the retirement dividends standing to the member's
45 credit before December 31, 1966. Receipt of the lump
46 sum payment by a member shall terminate any and all
47 entitlement for the period of service covered of the
48 member under this chapter and the member shall not be
49 eligible to buy back the period of service.
50 2. The first monthly payment of a ~~normal~~

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1 retirement allowance shall be paid as of the ~~normal~~
2 ~~retirement effective date, which date shall be the~~
3 ~~later of the normal retirement date or the first day~~
4 ~~of the sixth calendar month preceding the month in~~
5 ~~which written notice of normal retirement is submitted~~
6 ~~to the system member's first month of entitlement.~~
7 ~~Written notice under this section may consist of~~
8 ~~submission of a completed estimate request form, a~~
9 ~~completed application for retirement form, or a letter~~
10 ~~from the member requesting information on retirement~~
11 ~~benefits, whichever is received first by the system.~~
12 ~~However, a letter requesting information on benefits~~
13 ~~or submission of a completed estimate request form is~~
14 ~~only valid for six months following the date of its~~
15 ~~receipt by the system, unless during that six month~~
16 ~~period the system receives a completed application for~~
17 ~~retirement form from the member. A retirement~~
18 ~~allowance may only be provided retroactively for a~~
19 ~~single six month period. Payment of an early~~
20 ~~retirement allowance or an allowance for retirement~~
21 ~~after the normal retirement date shall be paid as of~~
22 ~~the effective date of retirement subject to section~~
23 ~~97B.45, 97B.46, or 97B.47. The payments shall be~~
24 ~~continued thereafter for the lifetime of the retired~~
25 ~~member except as provided in section 97B.48A.~~
26 Sec. 28. Section 97B.48, subsection 5, Code
27 Supplement 2003, is amended by striking the
28 subsection.
29 Sec. 29. Section 97B.48, Code Supplement 2003, is
30 amended by adding the following new subsections:
31 NEW SUBSECTION. 6. Effective on such date as the

32 system determines by rule, but in no event later than
33 July 1, 2006, if the system determines that the
34 accumulated contributions of a member, payable to a
35 living member who has had a break in service or to a
36 beneficiary of a deceased member, are less than three
37 thousand dollars, the lump sum amount payable under
38 this chapter shall be paid to the living member or
39 beneficiary in full satisfaction of all rights of the
40 member or beneficiary to receive any payments under
41 the system. For purposes of this section, a "break in
42 service" means twenty consecutive calendar quarters in
43 which no wages are reported to the system. The lump
44 sum payment shall be made within one hundred eighty
45 days after the calendar quarter in which the member
46 completes a break in service or dies, whichever is
47 applicable. A member or beneficiary who receives a
48 mandatory distribution under this subsection shall
49 have sixty days to return the distribution to the
50 system and restore the member's or beneficiary's

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1 account.
2 NEW SUBSECTION. 7. Effective July 1, 2005,
3 monthly retirement allowance payments shall be
4 directly deposited without charge to a retired
5 member's account via electronic funds transfer. A
6 retired member may elect to receive monthly allowance
7 payments as paper warrants in lieu of electronic funds
8 transfers, but the system shall charge an
9 administrative fee for processing such paper warrants.
10 However, the system may, for good cause shown, waive
11 the administrative fee. The fee may be automatically
12 deducted from the monthly retirement allowance before
13 the warrant is issued to the retired member.
14 Sec. 30. Section 97B.48A, Code Supplement 2003, is
15 amended by adding the following new subsection:
16 NEW SUBSECTION. 5. If a retired reemployed member
17 incurs a break in service, as defined in this
18 subsection, and the member has failed to request an
19 increase in the member's monthly allowance or a
20 distribution of the member's and employer's
21 accumulated contributions prior to the break in
22 service, and if the amount of the increase in the
23 member's monthly retirement allowance would be less
24 than six hundred dollars per year, the system shall
25 distribute the lump sum amount payable under
26 subsection 4. For purposes of this subsection, a
27 "break in service" means four consecutive calendar
28 quarters in which no wages are reported to the system.
29 The lump sum payment shall be made within one hundred
30 eighty days after the calendar quarter in which the

31 member has a break in service. A member who receives
32 a mandatory distribution under this subsection shall
33 have sixty days to return the distribution to the
34 system and request an increase in the member's monthly
35 allowance.

36 Sec. 31. NEW SECTION. 97B.49 DORMANT ACCOUNTS.

37 1. In the event that all, or any portion, of a
38 retirement allowance, death benefit, or other
39 distribution payable to a member or a member's
40 designated beneficiary, heirs at law, or estate,
41 remains unpaid solely by reason of the inability of
42 the system to locate the appropriate payee, the amount
43 payable shall not be forfeited but shall be treated as
44 a dormant account after the time for making a claim
45 has run.

46 2. A dormant account shall revert to the
47 retirement fund created in section 97B.7. A dormant
48 account shall be non-interest-bearing, and except for
49 keeping a record of such account, the system shall not
50 maintain the account. A member who has a dormant

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1 account and returns to covered employment shall have
2 their dormant account reactivated as of the quarter
3 they return to covered employment. If the appropriate
4 payee contacts the system after the amount payable is
5 treated as a dormant account, the appropriate payee
6 may claim such amounts by filing a withdrawal
7 application provided by the system. The system shall
8 have rulemaking authority to adopt rules necessary to
9 implement this section in a just and equitable manner.
10 3. The system shall ensure that the payment of a
11 dormant account as provided in this section meets the
12 requirements of section 401(a)(9) of the federal
13 Internal Revenue Code.

14 Sec. 32. Section 97B.49B, subsection 1, paragraph
15 c, Code Supplement 2003, is amended to read as
16 follows:

17 c. "Eligible service" means membership and prior
18 service in a protection occupation. In addition, for
19 a member with membership and prior service in a
20 protection occupation described in paragraph "e",
21 subparagraph (2), eligible service includes membership
22 and prior service as a sheriff, ~~or deputy sheriff, or~~
23 ~~airport fire fighter~~ as defined in section 97B.49C.

24 Sec. 33. Section 97B.49B, subsection 1, paragraph
25 e, Code Supplement 2003, is amended by adding the
26 following new subparagraph:

27 NEW SUBPARAGRAPH. (8) An airport fire fighter
28 employed by the military division of the department of
29 public defense.

30 Sec. 34. Section 97B.49B, subsection 3, paragraph
 31 b, Code Supplement 2003, is amended by adding the
 32 following new subparagraph:
 33 NEW SUBPARAGRAPH. (7) For the fiscal year
 34 commencing July 1, 2004, and each succeeding fiscal
 35 year, there is appropriated from the general fund of
 36 the state to the system, from funds not otherwise
 37 appropriated, an amount necessary to pay the employer
 38 share of the cost of the additional benefits provided
 39 to airport fire fighters under this section.
 40 Sec. 35. Section 97B.49C, subsection 1, paragraph
 41 a, Code Supplement 2003, is amended by striking the
 42 paragraph.
 43 Sec. 36. Section 97B.49C, subsection 1, paragraph
 44 d, Code Supplement 2003, is amended to read as
 45 follows:
 46 d. "Eligible service" means membership and prior
 47 service as ~~an airport fire fighter, a~~ sheriff, and
 48 deputy sheriff under this section. In addition,
 49 eligible service includes membership and prior service
 50 as a marshal in a city not covered under chapter 400

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1 or a fire fighter or police officer of a city not
 2 participating in the retirement systems established in
 3 chapter 410 or 411, and as an airport fire fighter
 4 prior to July 1, 1994.
 5 Sec. 37. Section 97B.49C, subsection 2, Code
 6 Supplement 2003, is amended to read as follows:
 7 2. CALCULATION OF MONTHLY ALLOWANCE.
 8 a. Notwithstanding other provisions of this
 9 chapter, a member who retires from employment as a
 10 sheriff, deputy sheriff, or airport fire fighter on or
 11 after July 1, 1994, and before July 1, 2004, and at
 12 the time of retirement is at least fifty-five years of
 13 age may elect to receive, in lieu of the receipt of
 14 any benefits as calculated pursuant to section 97B.49A
 15 or 97B.49D, a monthly retirement allowance equal to
 16 one-twelfth of an amount equal to the applicable
 17 percentage of the three-year average covered wage as a
 18 member who has been employed in eligible service
 19 multiplied by a fraction of years of service, with
 20 benefits payable during the member's lifetime.
 21 b. Notwithstanding other provisions of this
 22 chapter, a member who retires from employment as a
 23 sheriff or deputy sheriff on or after July 1, 2004,
 24 and at the time of retirement is either at least
 25 fifty-five years of age or is at least fifty years of
 26 age with at least twenty-two years of eligible service
 27 may elect to receive, in lieu of the receipt of any
 28 benefits as calculated pursuant to section 97B.49A or

29 97B.49D, a monthly retirement allowance equal to one-
30 twelfth of an amount equal to the applicable
31 percentage of the three-year average covered wage as a
32 member who has been employed in eligible service
33 multiplied by a fraction of years of service, with
34 benefits payable during the member's lifetime.

35 Sec. 38. Section 97B.49C, subsection 3, paragraph
36 a, Code Supplement 2003, is amended to read as
37 follows:

38 a. Annually, the system shall actuarially
39 determine the cost of the ~~additional~~ benefits provided
40 for members covered under this section as a percentage
41 of the covered wages of the employees covered by this
42 section. ~~Sixty~~ Fifty percent of the cost shall be
43 paid by the employers of employees covered under this
44 section and ~~forty~~ fifty percent of the cost shall be
45 paid by the employees. The employer and employee
46 contributions required under this paragraph are in
47 addition to lieu of the contributions paid under
48 sections 97B.11 and 97B.11A. ~~However, the cost of~~
49 ~~including service as an airport fire fighter prior to~~
50 ~~July 1, 1994, as eligible service under this section~~

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1 ~~shall not affect the contribution rates calculated and~~
2 ~~paid by the member or the employer under this section.~~

3 Sec. 39. Section 97B.49C, subsection 3, paragraph
4 b, Code Supplement 2003, is amended to read as
5 follows:

6 b. ~~(1)~~ Annually, during each fiscal year
7 commencing with the fiscal year beginning July 1,
8 1988, each county shall pay to the system the amount
9 necessary to pay the employer share of the cost of the
10 ~~additional~~ benefits provided to sheriffs and deputy
11 sheriffs.

12 ~~(2) For the fiscal year commencing July 1, 1994,~~
13 ~~and each succeeding fiscal year, there is appropriated~~
14 ~~from the general fund of the state to the system, from~~
15 ~~funds not otherwise appropriated, an amount necessary~~
16 ~~to pay the employer share of the cost of the~~
17 ~~additional benefits provided to airport fire fighters~~
18 ~~under this section.~~

19 Sec. 40. Section 97B.50, subsection 2, Code
20 Supplement 2003, is amended to read as follows:

21 2. a. A vested member who retires from the
22 retirement system due to disability and commences
23 receiving disability benefits pursuant to the federal
24 Social Security Act, 42 U.S.C. § 423 et seq., and who
25 has not reached the normal retirement date, shall
26 receive benefits as selected under section 97B.51, and
27 shall not have benefits reduced upon retirement as

28 required under subsection 1 regardless of whether the
29 member has completed thirty or more years of
30 membership service. However, the benefits shall be
31 suspended during any period in which the member
32 returns to covered employment. This section takes
33 effect July 1, 1990, for a member meeting the
34 requirements of this paragraph who retired from the
35 retirement system at any time after July 4, 1953.
36 Eligible members retiring on or after July 1, 2000,
37 are entitled to the receipt of retroactive adjustment
38 payments for no more than thirty-six months
39 immediately preceding the month in which written
40 ~~notice of application for~~ retirement due to disability
41 was ~~submitted to~~ received by the system,
42 ~~notwithstanding the requirements of subsection 4.~~
43 b. A vested member who retires from the retirement
44 system due to disability and commences receiving
45 disability benefits pursuant to the federal Railroad
46 Retirement Act, 45 U.S.C. § 231 et seq., and who has
47 not reached the normal retirement date, shall receive
48 benefits as selected under section 97B.51, and shall
49 not have benefits reduced upon retirement as required
50 under subsection 1 regardless of whether the member

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1 has completed thirty or more years of membership
2 service. However, the benefits shall be suspended
3 during any period in which the member returns to
4 covered employment. This section takes effect July 1,
5 1990, for a member meeting the requirements of this
6 paragraph who retired from the retirement system at
7 any time since July 4, 1953. Eligible members
8 retiring on or after July 1, 2000, are entitled to the
9 receipt of retroactive adjustment payments for no more
10 than thirty-six months immediately preceding the month
11 in which written ~~notice of application for~~ retirement
12 due to disability was ~~submitted to~~ received by the
13 system, ~~notwithstanding the requirements of subsection~~
14 ~~4.~~
15 c. A vested member who terminated service due to a
16 disability, who has been issued payment for a refund
17 pursuant to section 97B.53, and who subsequently
18 commences receiving disability benefits as a result of
19 that disability pursuant to the federal Social
20 Security Act, 42 U.S.C. § 423 et seq. or the federal
21 Railroad Retirement Act, 45 U.S.C. § 231 et seq., may
22 receive credit for membership service for the period
23 covered by the refund payment, upon repayment to the
24 system of the actuarial cost of receiving service
25 credit for the period covered by the refund payment,
26 as determined by the system. For purposes of this

27 paragraph, the actuarial cost of the service purchase
28 shall be determined as provided in section ~~97B.74~~
29 97B.80C. The payment to the system as provided in
30 this paragraph shall be made within ninety days after
31 July 1, 2000, or the date federal disability payments
32 commenced, whichever occurs later. For purposes of
33 this paragraph, the date federal disability payments
34 commence shall be the date that the member actually
35 receives the first such payment, regardless of any
36 retroactive payments included in that payment. A
37 member who repurchases service credit under this
38 paragraph and applies for retirement benefits shall
39 have the member's monthly allowance, including
40 retroactive adjustment payments, determined in the
41 same manner as provided in paragraph "a" or "b", as
42 applicable. ~~This paragraph shall not be implemented~~
43 ~~until the system has received a determination letter~~
44 ~~from the federal internal revenue service approving~~
45 ~~the system's plan's qualified status under Internal~~
46 ~~Revenue Code section 401(a).~~

47 Sec. 41. Section 97B.50, subsection 4, Code
48 Supplement 2003, is amended by striking the
49 subsection.

50 Sec. 42. Section 97B.50A, subsection 5, Code

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1 Supplement 2003, is amended to read as follows:
2 5. OFFSET TO ALLOWANCE. Notwithstanding any
3 provisions to the contrary in state law, or any
4 applicable contract or policy, any amounts which may
5 be paid or payable by the employer under any workers'
6 compensation, unemployment compensation, employer-paid
7 disability plan, program, or policy, or other law to a
8 member, and any disability payments the member
9 receives pursuant to the federal Social Security Act,
10 42 U.S.C. § 423 et seq., shall be offset against and
11 payable in lieu of any retirement allowance payable
12 pursuant to this section on account of the same
13 disability.

14 Sec. 43. Section 97B.52, subsection 1, unnumbered
15 paragraph 1, Code Supplement 2003, is amended to read
16 as follows:

17 If a an inactive member, with at least sixteen
18 calendar quarters of service credit, or any active
19 member dies prior to the member's first month of
20 entitlement, the member's beneficiary shall be
21 entitled to receive a death benefit equal to the
22 greater of the amount provided in paragraph "a" or
23 "b". If an inactive member with less than sixteen
24 calendar quarters of service credit dies prior to the
25 member's first month of entitlement, the member's

26 beneficiary shall only be entitled to receive a death
 27 benefit, as a lump sum, equal to the amount provided
 28 in paragraph "a".

29 Sec. 44. Section 97B.52, subsection 1, paragraph
 30 a, subparagraph (3), Code Supplement 2003, is amended
 31 to read as follows:

32 (3) For service as a sheriff, ~~or deputy sheriff,~~
 33 ~~or airport fire fighter,~~ as provided in section
 34 97B.49C, the applicable denominator is twenty-two.

35 Sec. 45. Section 97B.52, subsection 5, unnumbered
 36 paragraph 3, Code Supplement 2003, is amended by
 37 striking the unnumbered paragraph.

38 Sec. 46. Section 97B.52, subsection 7, Code
 39 Supplement 2003, is amended to read as follows:

40 7. If a member has not filed a designation of
 41 beneficiary with the system, the death benefit is
 42 payable to the member's estate. If no designation has
 43 been filed and an estate is not probated, the death
 44 benefit shall be paid to the surviving spouse, if any.
 45 If no designation has been filed, no estate has been
 46 probated, and there is no surviving spouse, the death
 47 benefit shall be paid to the heirs as provided in this
 48 subsection. The system shall pay the full amount of a
 49 member's death benefits to those heirs who have
 50 presented a claim for such benefits within five years

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1 after the member's date of death. The system is not
 2 liable for the payment of any claims by heirs who make
 3 themselves known to the system more than five years
 4 after the date of death of the member. Otherwise I a
 5 death benefit is not paid as provided by this
 6 subsection, the death benefit shall remain in the
 7 fund.

8 Sec. 47. Section 97B.52A, subsection 1, paragraph
 9 c, Code Supplement 2003, is amended to read as
 10 follows:

11 c. For a member whose first month of entitlement
 12 is July 2000 or later, the member does not return to
 13 any employment with a covered employer until the
 14 member has qualified for at least one calendar month
 15 of retirement benefits, and the member does not return
 16 to covered employment until the member has qualified
 17 for no fewer than four calendar months of retirement
 18 benefits. For purposes of this paragraph, effective
 19 July 1, 2000, any employment with a covered employer
 20 does not include employment as an elective official or
 21 member of the general assembly if the member is not
 22 covered under this chapter for that employment. For
 23 purposes of determining a bona fide retirement under
 24 this paragraph and for a member whose first month of

25 entitlement is July 2004 or later, but before July
 26 2006, covered employment does not include employment
 27 as a licensed health care professional by a public
 28 hospital as defined in section 249I.3.

29 Sec. 48. Section 97B.53, subsection 4, Code
 30 Supplement 2003, is amended to read as follows:

31 4. A member has not terminated employment for
 32 purposes of this section if the member ~~accepts~~
 33 commences other covered employment within thirty days
 34 after receiving the last payment of wages for the date
 35 employment was terminated with a covered employment
 36 employer, or if the member begins covered employment
 37 prior to filing a request for a refund with the
 38 system.

39 Sec. 49. Section 97B.53B, subsection 1, paragraph
 40 c, subparagraph (2), subparagraph subdivision (c),
 41 Code Supplement 2003, is amended to read as follows:

42 (c) ~~The Prior to January 1, 2002, the~~ portion of
 43 any distribution that is not includible in the gross
 44 income of the distributee, determined without regard
 45 to the exclusion for net unrealized appreciation with
 46 respect to employer securities.

47 Sec. 50. Section 97B.73B, subsection 2, paragraph
 48 b, Code Supplement 2003, is amended to read as
 49 follows:

50 b. For a purchase of membership service on or

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1 after July 1, 2002, the actuarial cost of the service
 2 purchase in a manner as provided in section ~~97B.73~~
 3 97B.80C.

4 Sec. 51. Section 97B.73B, subsection 2, Code
 5 Supplement 2003, is amended by adding the following
 6 new paragraph:

7 NEW PARAGRAPH. c. Effective July 1, 2004, a
 8 member eligible for an increased retirement allowance
 9 because of the payment of contributions under this
 10 section is entitled to adjusted payments beginning
 11 with the month in which the member pays contributions
 12 under this section.

13 Sec. 52. Section 97B.80, subsection 3, Code
 14 Supplement 2003, is amended to read as follows:

15 3. ~~The system shall adjust benefits for a six-~~
 16 ~~month period prior to the date the member pays~~
 17 ~~contributions under this section if the member is~~
 18 ~~receiving a retirement allowance at the time the~~
 19 ~~contribution payment is made.~~ Verification of active
 20 duty service and payment of contributions shall be
 21 made to the system. However, a member is not eligible
 22 to make contributions under this section if the member
 23 is receiving, is eligible to receive, or may in the

24 future be eligible to receive retirement pay from the
 25 United States government for active duty in the armed
 26 forces, except for retirement pay granted by the
 27 United States government under retired pay for
 28 nonregular service pursuant to 10 U.S.C. § 12731–
 29 12739. A member receiving retired pay for nonregular
 30 service who makes contributions under this section
 31 shall provide information required by the system
 32 documenting time periods covered under retired pay for
 33 nonregular service.

34 Sec. 53. Section 97B.80, subsection 4, Code
 35 Supplement 2003, is amended by striking the subsection
 36 and inserting in lieu thereof the following:

37 4. Effective July 1, 2004, a member eligible for
 38 an increased retirement allowance because of the
 39 payment of contributions under this section is
 40 entitled to adjusted payments beginning with the month
 41 in which the member pays contributions under this
 42 section.

43 Sec. 54. Section 97B.80C, subsection 1, paragraph
 44 a, Code Supplement 2003, is amended to read as
 45 follows:

46 a. “Nonqualified service” means service that is
 47 not qualified service- ~~and includes, but is not~~
 48 limited to, any of the following:

49 (1) Full-time volunteer public service in the
 50 federal peace corps program.

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1 (2) Public employment comparable to employment
 2 covered under this chapter in a qualified Canadian
 3 governmental entity that is an elementary school,
 4 secondary school, college, or university that is
 5 organized, administered, and primarily supported by
 6 the provincial, territorial, or federal governments of
 7 Canada, or any combination of the same.

8 Sec. 55. Section 97B.80C, subsection 1, paragraph
 9 c, subparagraph (1), Code Supplement 2003, is amended
 10 by adding the following new subparagraph subdivisions:
 11 NEW SUBPARAGRAPH SUBDIVISION. (e) Service as a
 12 member of the general assembly.

13 NEW SUBPARAGRAPH SUBDIVISION. (f) Previous
 14 service as a county attorney by a part-time county
 15 attorney.

16 NEW SUBPARAGRAPH SUBDIVISION. (g) Service in
 17 public employment comparable to employment covered
 18 under this chapter in another state or in the federal
 19 government, or service as a member of another public
 20 retirement system in this state, including but not
 21 limited to the teachers insurance and annuity
 22 association-college retirement equities fund (TIAA-

23 CREF), if the member was not retired under that system
 24 and has no further claim upon a retirement benefit
 25 from that other public system.

26 NEW SUBPARAGRAPH SUBDIVISION. (h) Service as a
 27 member of the retirement system at any time on or
 28 after July 4, 1953, if the member received a refund of
 29 the member's accumulated contributions for that period
 30 of membership service.

31 NEW SUBPARAGRAPH SUBDIVISION. (i) An approved
 32 leave of absence which does not constitute service as
 33 defined in section 97B.1A, which is granted on or
 34 after July 1, 1998.

35 NEW SUBPARAGRAPH SUBDIVISION. (j) Employment of a
 36 person who at the time of the employment was not
 37 covered by this chapter, was employed by a covered
 38 employer under this chapter, and did not opt out of
 39 coverage under this chapter.

40 NEW SUBPARAGRAPH SUBDIVISION. (k) Employment of a
 41 person as an adjunct instructor as defined in section
 42 97B.1A, subsection 8.

43 Sec. 56. Section 97B.80C, subsection 3, Code
 44 Supplement 2003, is amended to read as follows:

45 3. a. A member making contributions for a
 46 purchase of permissive service credit under this
 47 section, except as otherwise provided by this
 48 subsection, shall make contributions in an amount
 49 equal to the actuarial cost of the permissive service
 50 credit purchase. ~~For purposes of this subsection, the~~

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1 ~~actuarial cost of the service purchase is an amount~~
 2 ~~determined by the system in accordance with actuarial~~
 3 ~~tables, as reported to the system by the system's~~
 4 ~~actuary, which reflects the actuarial cost necessary~~
 5 ~~to fund an increased retirement allowance resulting~~
 6 ~~from the purchase of permissive service credit.~~

7 b. For a member making contributions for a
 8 purchase of permissive service credit for qualified
 9 service as described in subsection 1, paragraph "c",
 10 subparagraph (1), subparagraph subdivision (e), under
 11 this section, the member shall make contributions in
 12 an amount equal to forty percent of the actuarial cost
 13 of the service purchase. There is appropriated from
 14 the general fund of the state to the system an amount
 15 sufficient to pay sixty percent of the actuarial cost
 16 of the service purchase by a member pursuant to this
 17 paragraph.

18 c. For a member making contributions for a
 19 purchase of permissive service credit for qualified
 20 service as described in subsection 1, paragraph "c",
 21 subparagraph (1), subparagraph subdivision (f), under

22 this section, the member shall make contributions in
 23 an amount equal to forty percent of the actuarial cost
 24 of the service purchase. Upon notification of the
 25 applicable county board of supervisors of the member's
 26 election, the county board of supervisors shall pay to
 27 the system an amount sufficient to pay sixty percent
 28 of the actuarial cost of the service purchase by a
 29 member pursuant to this paragraph.

30 d. For purposes of this subsection, the actuarial
 31 cost of the service purchase is an amount determined
 32 by the system in accordance with actuarial tables, as
 33 reported to the system by the system's actuary, which
 34 reflects the actuarial cost necessary to fund an
 35 increased retirement allowance resulting from the
 36 purchase of permissive service credit.

37 Sec. 57. Section 97B.80C, Code Supplement 2003, is
 38 amended by adding the following new subsections:

39 NEW SUBSECTION. 3A. Effective July 1, 2004, a
 40 member eligible for an increased retirement allowance
 41 because of the payment of contributions under this or
 42 any other section providing for the purchase of
 43 service credit is entitled to adjusted payments
 44 beginning with the month in which the member pays
 45 contributions under the applicable section.

46 NEW SUBSECTION. 3B. Effective July 1, 2004, a
 47 purchase of service made in accordance with this or
 48 any other section providing for the purchase of
 49 service credit by a retired reemployed member shall be
 50 applied to the member's original retirement allowance.

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1 The member is eligible to receive adjustment payments
 2 beginning with the month of the purchase.

3 NEW SUBSECTION. 3C. A member who is entitled to a
 4 benefit from another public retirement system and
 5 wishes to purchase the service covered by that public
 6 retirement system must waive, on a form provided by
 7 the Iowa public employees' retirement system, all
 8 rights to a retirement benefit under that other public
 9 system before purchasing credit in this system for the
 10 period of service covered by that other public system.
 11 The waiver must be accepted by the other public
 12 system. If the waiver is not obtained, a member may
 13 buy up to twenty quarters of such service credit. In
 14 no event can a member receive more than one service
 15 credit for any given calendar quarter.

16 Sec. 58. Section 411.6, subsection 7, paragraph c,
 17 Code 2003, is amended to read as follows:

18 c. Should a disability beneficiary under age
 19 fifty-five be employed in a public safety occupation,
 20 the disability beneficiary's retirement allowance

21 shall cease. Notwithstanding any provision of this
 22 chapter to the contrary, if a disability beneficiary
 23 is employed in a public safety occupation that would
 24 otherwise constitute membership service, the
 25 disability beneficiary shall not become a member of
 26 the system. For purposes of this paragraph, "public
 27 safety occupation" means a peace officer, as defined
 28 in section 97A.1; a protection occupation, as defined
 29 in section 97B.49B; a sheriff, or deputy sheriff, ~~or~~
 30 ~~airport fire fighter~~, as defined in section 97B.49C;
 31 and a police officer or fire fighter as defined in
 32 section 411.1, who was not restored to active service
 33 as provided by this subsection.

34 Sec. 59. Section 724.6, subsection 2, Code 2003,
 35 is amended to read as follows:

36 2. Notwithstanding subsection 1, fire fighters, as
 37 defined in section 411.1, subsection 9, airport fire
 38 fighters included under section ~~97B.49C~~ 97B.49B,
 39 emergency rescue technicians, and emergency medical
 40 care providers, as defined in section 147A.1, shall
 41 not, as a condition of employment, be required to
 42 obtain a permit under this section. However, the
 43 provisions of this subsection shall not apply to a
 44 person designated as an arson investigator by the
 45 chief fire officer of a political subdivision.

46 Sec. 60. 2002 Iowa Acts, chapter 1135, section 36,
 47 subsections 1 and 3, are amended to read as follows:

48 1. a. Notwithstanding any provision of chapter
 49 97B to the contrary, a member of the Iowa public
 50 employees' retirement system who has an employer-

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1 mandated reduction in hours or an employee-exercised
 2 reduction in pay but remains on the employer's
 3 payroll, and who would receive a reduction in the
 4 member's three-year average covered wage as a result
 5 of the reduction in hours or pay, may have the
 6 member's retirement allowance calculated based on the
 7 three-year average covered wage the member would have
 8 received, based on reasonable assumptions, if the
 9 member had not been subject to the employer-mandated
 10 reduction in hours or employee-exercised reduction in
 11 pay, upon payment by the member of the applicable
 12 contribution amount.

13 b. For purposes of this section, ~~the applicable~~
 14 unless the context otherwise requires:

15 (1) "Applicable contribution amount" is an
 16 amount equal to the employee and employer
 17 contributions that would have been paid to the system
 18 based on the wages that the member would have received
 19 but for the employer-mandated reduction in hours or

20 employee-exercised reduction in pay and would have
 21 been included in the member's three-year average
 22 covered wage.

23 (2) "Employee-exercised reduction in pay" means a
 24 reduction in pay of a member who has exercised bumping
 25 rights by accepting a lower-paid position in order to
 26 avoid being laid off by the employer.

27 3. This section shall apply to employer-mandated
 28 reductions in hours or employee-exercised reductions
 29 in pay during the period of time beginning on or after
 30 January 1, 2002, and ending no later than June 30,
 31 ~~2003~~ 2005. The system is authorized to adopt such
 32 rules, including emergency rules, as it deems
 33 necessary or prudent to implement this section.

34 Sec. 61. Sections 97B.72, 97B.72A, 97B.73,
 35 97B.73A, 97B.74, 97B.75, 97B.80A, 97B.80B, and 97B.81,
 36 Code Supplement 2003, are repealed.

37 Sec. 62. FAVORABLE EXPERIENCE DIVIDEND RESERVE
 38 ACCOUNT — DEPOSIT OF INVESTMENT RETURN.

39 Notwithstanding any provision of chapter 97B to the
 40 contrary, the Iowa public employees' retirement system
 41 shall have the authority to credit the lesser of the
 42 system's actuarial interest rate assumption or the
 43 system's actual investment return to the favorable
 44 experience dividend reserve account created in section
 45 97B.49F. This authority applies to the fiscal year
 46 beginning July 1, 2003, and ending June 30, 2004.

47 Sec. 63. IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM
 48 — PENSION FLEXIBILITY STUDY — REPORT.

49 1. The Iowa public employees' retirement system
 50 (IPERS) shall conduct a study to consider various

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1 options to provide persons covered under the Iowa
 2 public employees' retirement system additional
 3 flexibility in plan design with features incorporating
 4 aspects of defined contribution type vehicles. In
 5 conducting its study, IPERS shall consider, among
 6 other ideas, the following:

- 7 a. Ways in which IPERS can assist employers in
 8 expanding existing supplemental plans offered by
 9 public employers.
- 10 b. Ways in which IPERS could offer its own defined
 11 contribution type supplementary plan vehicle to
 12 complement its core defined benefit plan including,
 13 but not limited to, defined contribution type plans
 14 that might provide a cost of living or favorable
 15 experience dividend benefit to members.
- 16 c. Various hybrid plan designs incorporating
 17 features of both defined benefit and defined
 18 contribution plan vehicles, including, but not limited

19 to, an integrated defined benefit and defined
20 contribution plan, a floor-offset plan, or a pension
21 equity plan.
22 2. In performing the study required by this
23 section, IPERS shall work closely with the system's
24 benefits advisory committee and, through quarterly
25 reports, regularly update the public retirement
26 systems committee established by section 97D.4. On or
27 before September 1, 2005, the Iowa public employees'
28 retirement system shall file a report with the
29 legislative services agency for distribution to the
30 public retirement systems committee, which report
31 shall contain its findings and recommendations,
32 including any proposal or proposals regarding adding
33 additional flexibility in IPERS' plan design with
34 features incorporating aspects of defined contribution
35 type vehicles.

36 Sec. 64. PROTECTION OCCUPATION MEMBERSHIP STUDY.
37 The Iowa public employees' retirement system (IPERS),
38 in consultation with the system's benefits advisory
39 committee, shall study the possible inclusion within
40 the protection occupation category of IPERS an
41 employee covered by the merit system as provided in
42 chapter 8A, subchapter IV, whose primary duty is
43 providing security at Iowa national guard
44 installations and facilities and who carries or is
45 licensed to carry a firearm while performing those
46 duties, a registered nurse or licensed practical nurse
47 employed at a correctional facility by the department
48 of corrections, and a jailer or detention officer who
49 performs duties as a jailer, including but not limited
50 to the transportation of inmates, is certified as

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1 having completed jailer training pursuant to chapter
2 80B, and is employed by a county as a jailer. On or
3 before September 1, 2005, the Iowa public employees'
4 retirement system shall file a report with the
5 legislative services agency for distribution to the
6 public retirement systems committee established by
7 section 97D.4 with its findings and recommendations.
8 The report shall include information concerning the
9 number of possible employees that might be added, the
10 actuarial cost of adding these categories of employees
11 to the protection occupation category, and any other
12 information that might assist legislators in
13 considering whether, and how, to add these or other
14 categories of employees to the protection occupation
15 category.

16 Sec. 65. LICENSED HEALTH CARE PROFESSIONALS —
17 BONA FIDE RETIREMENT REPORT. The Iowa public

18 employees' retirement system and the largest statewide
 19 organization representing public hospitals in this
 20 state shall each submit a report to the general
 21 assembly by December 1, 2006, concerning the costs and
 22 effectiveness of the provision of this Act amending
 23 section 97B.52A that provides that covered employment,
 24 for purposes of establishing a bona fide retirement,
 25 does not include employment as a licensed health care
 26 professional by a public hospital as defined in
 27 section 249I.3. Each report shall provide statistics
 28 concerning the number of members taking advantage of
 29 this provision, the costs and financial benefits, if
 30 any, associated with this provision, and
 31 recommendations for further action.

32 Sec. 66. EFFECTIVE DATE — RETROACTIVE
 33 APPLICABILITY.

34 1. The section of this Act amending section
 35 97B.53B, subsection 1, paragraph "c", being deemed of
 36 immediate importance, takes effect upon enactment and
 37 is retroactively applicable to January 1, 2002, and is
 38 applicable on and after that date.

39 2. The section of this Act amending 2002 Iowa
 40 Acts, chapter 1135, section 36, being deemed of
 41 immediate importance, takes effect upon enactment and
 42 is retroactively applicable to January 1, 2002, and is
 43 applicable on and after that date.

44 3. The section of this Act providing for the
 45 deposit of investment return to the favorable
 46 experience dividend reserve account, being deemed of
 47 immediate importance, takes effect upon enactment.

48 DIVISION III

49 STATEWIDE FIRE AND POLICE RETIREMENT SYSTEM

50 Sec. 67. Section 400.8, subsection 1, Code 2003,

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1 is amended to read as follows:
 2 400.8 ORIGINAL ENTRANCE EXAMINATION —
 3 APPOINTMENTS.
 4 1. The commission, when necessary under the rules,
 5 including minimum and maximum age limits, which shall
 6 be prescribed and published in advance by the
 7 commission and posted in the city hall, shall hold
 8 examinations for the purpose of determining the
 9 qualifications of applicants for positions under civil
 10 service, other than promotions, which examinations
 11 shall be practical in character and shall relate to
 12 matters which will fairly test the mental and physical
 13 ability of the applicant to discharge the duties of
 14 the position to which the applicant seeks appointment.
 15 The physical examination of applicants for appointment
 16 to the positions of police officer, police matron, or

17 fire fighter shall be held in accordance with medical
18 protocols established by the board of trustees of the
19 fire and police retirement system established by
20 section 411.5 and shall be conducted in accordance
21 with the directives of the board of trustees.
22 However, the prohibitions of section 216.6, subsection
23 1, paragraph "d", regarding tests for the presence of
24 the antibody to the human immunodeficiency virus shall
25 not apply to such examinations. The board of trustees
26 may change the medical protocols at any time the board
27 so determines. The physical examination of an
28 applicant for the position of police officer, police
29 matron, or fire fighter shall be conducted after a
30 conditional offer of employment has been made to the
31 applicant. An applicant shall not be discriminated
32 against on the basis of height, weight, sex, or race
33 in determining physical or mental ability of the
34 applicant. Reasonable rules relating to strength,
35 agility, and general health of applicants shall be
36 prescribed. The costs of the physical examination
37 required under this subsection shall be paid from the
38 trust and agency fund of the city.

39 Sec. 68. Section 411.5, Code 2003, is amended by
40 adding the following new subsection:

41 NEW SUBSECTION. 14. MEDICAL RECORDS. A physician
42 or surgeon, physician assistant, advanced registered
43 nurse practitioner, or mental health professional who
44 provides records to the system in connection with the
45 application by a member for disability retirement
46 under this chapter shall be entitled to charge a fee
47 for production of the records. The fee for copies of
48 any records shall not exceed the reasonable cost of
49 production.

50 Sec. 69. Section 411.6, subsection 7, unnumbered

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1 paragraph 1, Code 2003, is amended to read as follows:
2 Re-examination Reexamination of beneficiaries
3 retired on account of disability. Once each year
4 during the first five years following the retirement
5 of a member on a disability retirement allowance, and
6 once in every three-year period thereafter, the The
7 system may, and upon the member's application shall,
8 require any disability beneficiary who has not yet
9 attained age fifty-five to undergo a medical
10 examination at a place designated by the medical
11 board. The examination shall be made by the medical
12 board or in special cases, by an additional physician
13 or physicians designated by such board. If any
14 disability beneficiary who has not attained the age of
15 fifty-five refuses to submit to the medical

16 examination, the member's allowance may be
 17 discontinued until withdrawal of such refusal, and if
 18 the refusal continues for one year all rights in and
 19 to the member's pension may be revoked by the system.
 20 For a disability beneficiary who has not attained the
 21 age of fifty-five and whose entitlement to a
 22 disability retirement commenced on or after July 1,
 23 2000, the medical board may, as part of the
 24 examination required by this subsection, suggest
 25 appropriate medical treatment or rehabilitation if, in
 26 the opinion of the medical board, the recommended
 27 treatment or rehabilitation would likely restore the
 28 disability beneficiary to duty.

29 Sec. 70. Section 411.6, subsection 7, paragraph a,
 30 unnumbered paragraph 2, Code 2003, is amended to read
 31 as follows:

32 A beneficiary retired under this lettered
 33 paragraph, in order to be eligible for continued
 34 receipt of retirement benefits, shall no later than
 35 May 15 of each year submit to the system a copy of the
 36 beneficiary's federal individual income tax return for
 37 the preceding year. The beneficiary shall also
 38 submit, within a reasonable period of time, any
 39 documentation requested by the system that is
 40 determined to be necessary by the system to determine
 41 the beneficiary's gross wages.

42 Sec. 71. Section 411.6B, subsection 1, Code 2003,
 43 is amended to read as follows:

44 1. As used in this section, unless the context
 45 otherwise requires, and to the extent permitted by the
 46 internal revenue service:

47 a. "Direct rollover" means a payment by the system
 48 to the eligible retirement plan specified by the
 49 member or the member's surviving spouse, or the
 50 member's alternate payee under a marital property

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1 order who is the member's spouse or former spouse.

2 b. "Eligible retirement plan" means either any of
 3 the following that accepts an eligible rollover
 4 distribution from a member, ~~or~~ a member's surviving
 5 spouse, or a member's alternate payee:

6 (1) An individual retirement account in accordance
 7 with section 408(a) of the federal Internal Revenue
 8 Code.

9 (2) An individual retirement annuity in accordance
 10 with section 408(b) of the federal Internal Revenue
 11 Code.

12 In addition, an "eligible retirement plan" includes
 13 an annuity plan in accordance with section 403(a) of
 14 the federal Internal Revenue Code, or a qualified

15 trust in accordance with section 401(a) of the federal
 16 Internal Revenue Code, that accepts an eligible
 17 rollover distribution from a member. Effective
 18 January 1, 2002, the term "eligible retirement plan"
 19 also includes an annuity contract described in section
 20 403(b) of the federal Internal Revenue Code, and an
 21 eligible plan under section 457(b) of the federal
 22 Internal Revenue Code which is maintained by a state,
 23 political subdivision of a state, or any agency or
 24 instrumentality of a state or political subdivision of
 25 a state that chooses to separately account for amounts
 26 rolled over into such eligible retirement plan from
 27 the system.

28 c. "Eligible rollover distribution" means all or
 29 any portion of a member's account, except that an
 30 eligible rollover distribution does not include any of
 31 the following:

32 (1) A distribution that is one of a series of
 33 substantially equal periodic payments, which occur
 34 annually or more frequently, made for the life or life
 35 expectancy of the distributee or the joint lives or
 36 joint life expectancies of the distributee and the
 37 distributee's designated beneficiary, or made for a
 38 specified period of ten years or more.

39 (2) A distribution to the extent that the
 40 distribution is required pursuant to section 401(a)(9)
 41 of the federal Internal Revenue Code.

42 (3) The portion of any distribution that is not
 43 includible in the gross income of the distributee,
 44 determined without regard to the exclusion for net
 45 unrealized appreciation with respect to employer
 46 securities. Provided, however, that effective January
 47 1, 2002, such distributions may be directly rolled
 48 over to an individual retirement account described in
 49 federal Internal Revenue Code section 408(a) or
 50 408(b), a qualified defined contribution plan

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1 described in federal Internal Revenue Code section
 2 401(a), or a qualified annuity plan described in
 3 federal Internal Revenue Code section 403(a), if such
 4 plan agrees to separately account for the after-tax
 5 amount so rolled over.

6 (4) A distribution of less than two hundred
 7 dollars of taxable income.

8 Sec. 72. Section 411.22, subsection 1, paragraph
 9 b, Code 2003, is amended to read as follows:

10 b. A sum sufficient to pay the retirement system
 11 the present worth, computed at the interest rate
 12 ~~provided in section 535.3 for court judgments and~~
 13 ~~decrees~~ assumption adopted by the system pursuant to

14 section 411.5, subsection 9, of the future payments of
 15 such benefits, for which the retirement system is
 16 liable, but the sum is not a final adjudication of the
 17 future payments which the member is entitled to
 18 receive.

19 Sec. 73. Section 411.31, subsection 1, Code 2003,
 20 is amended by adding the following new paragraph:
 21 NEW PARAGRAPH. e. "Refund liability" means the
 22 amount the member may elect to withdraw from the
 23 former system under section 97A.16.

24 Sec. 74. Section 411.31, subsection 2, Code 2003,
 25 is amended to read as follows:

26 2. Commencing July 1, 1996, a vested member of an
 27 eligible retirement system who terminates employment
 28 covered by one eligible retirement system and, within
 29 one year, commences employment covered by the other
 30 eligible retirement system may elect to transfer the
 31 greater of the average accrued benefit or refund
 32 liability earned from the former system to the current
 33 system. The member shall file an application with the
 34 current system for transfer of the greater of the
 35 average accrued benefit or refund liability within
 36 ninety days of the commencement of employment with the
 37 current system.

38 Sec. 75. Section 411.31, subsection 4, Code 2003,
 39 is amended to read as follows:

40 4. Upon receipt of an application for transfer ~~of~~
 41 ~~the average accrued benefit as provided in this~~
 42 section, the current system shall calculate the
 43 average accrued benefit and the refund liability and
 44 the former system shall transfer to the current system
 45 assets in an amount equal to the greater of the
 46 average accrued benefit or refund liability. Once the
 47 ~~transfer of the average accrued benefit~~ is completed,
 48 the member's service under the former system shall be
 49 treated as membership service under the current system
 50 for purposes of this chapter and chapter 97A.

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1 Sec. 76. Section 411.36, subsection 1, paragraph
 2 c, Code 2003, is amended to read as follows:

3 c. A city treasurer, city financial officer, or
 4 city clerk involved with the financial matters of the
 5 city from four participating cities, one of whom is
 6 from a city having a population of less than ~~forty~~
 7 thirty thousand, and three of whom are from cities
 8 having a population of ~~forty~~ thirty thousand or more.
 9 The members authorized pursuant to this paragraph
 10 shall be appointed by the governing body of the Iowa
 11 league of cities.

12 Sec. 77. EFFECTIVE DATE — RETROACTIVE

13 APPLICABILITY. The section of this Act amending
14 section 411.6B, subsection 1, being deemed of
15 immediate importance, takes effect upon enactment and
16 is retroactively applicable to January 1, 2002, and is
17 applicable on and after that date.

18 DIVISION IV

19 JUDICIAL RETIREMENT SYSTEM

20 Sec. 78. Section 602.9106, Code 2003, is amended
21 to read as follows:

22 602.9106 RETIREMENT.

23 Any person who shall have become separated from
24 service as a judge of any of the courts included in
25 this article and who has had an aggregate of at least
26 ~~six~~ four years of service as a judge of one or more of
27 such courts and shall have attained the age of sixty-
28 five years or who has had ~~twenty-five~~ twenty years of
29 consecutive service as a judge of one or more of said
30 courts, and who shall have otherwise qualified as
31 provided in this article, shall be entitled to an
32 annuity as hereinafter provided.

33 Sec. 79. Section 602.9107C, subsection 1, Code
34 2003, is amended to read as follows:

35 1. A judge under this system who has at least ~~six~~
36 four years of service as a judge of any of the courts
37 included in this article and who was a member of the
38 Iowa public employees' retirement system as provided
39 in chapter 97B, but who was not retired under that
40 system, upon submitting verification of membership and
41 service in the Iowa public employees' retirement
42 system to the court administrator, including proof
43 that the judge has no further claim upon a retirement
44 benefit from that public system, may make
45 contributions as provided by this section to the
46 system either for the entire period of service in the
47 other public system, or for partial service in the
48 other public system in increments of one or more
49 calendar quarters, and receive credit for that service
50 under the system.

Page 30

1 Sec. 80. Section 602.9108, Code 2003, is amended
2 to read as follows:
3 602.9108 INDIVIDUAL ACCOUNTS — REFUNDING.
4 The amount designated as the judge's contribution
5 to the judicial retirement fund in section 602.9104,
6 subsection 1, and all amounts paid into the fund by a
7 judge shall be credited to the individual account of
8 the judge. If a judge covered under this article
9 becomes separated from service as a judge before the
10 judge completes an aggregate of ~~six~~ four years of
11 service as a judge of one or more of the courts, the

12 total amount in the judge's individual account shall
13 be returned to the judge or the judge's legal
14 representatives within one year of the separation. If
15 a judge, who is covered under this article and who has
16 completed an aggregate of ~~six~~ four years or more of
17 service as a judge of one or more of the courts, dies
18 before retirement, without a survivor, the total
19 amount in the judge's individual account shall be paid
20 in one sum to the judge's legal representatives within
21 one year of the judge's death. If an annuitant under
22 this section dies without a survivor, and without
23 having received in annuities an amount equal to the
24 total amount in the judge's individual account at the
25 time of separation from service, the amount remaining
26 to the annuitant's credit shall be paid in one sum to
27 the annuitant's legal representatives within one year
28 of the annuitant's death.

29 Sec. 81. Section 602.9112, Code 2003, is amended
30 to read as follows:

31 602.9112 VOLUNTARY RETIREMENT FOR DISABILITY.

32 Any judge of the supreme, district or municipal
33 court, including a district associate judge, or a
34 judge of the court of appeals, who shall have served
35 as a judge of one or more of such courts for a period
36 of ~~six~~ four years in the aggregate and who believes
37 the judge has become permanently incapacitated,
38 physically or mentally, to perform the duties of the
39 judge's office may personally or by the judge's next
40 friend or guardian file with the court administrator a
41 written application for retirement. The application
42 shall be filed in duplicate and accompanied by an
43 affidavit as to the duration and particulars of the
44 judge's service and the nature of the judge's
45 incapacity. The court administrator shall forthwith
46 transmit one copy of the application and affidavit to
47 the chief justice who shall request the attorney
48 general in writing to cause an investigation to be
49 made relative to the claimed incapacity and report
50 back the results thereof in writing. If the chief

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1 justice finds from the report of the attorney general
2 that the applicant is permanently incapacitated,
3 physically or mentally, to perform the duties of the
4 applicant's office the chief justice shall by
5 endorsement thereon declare the applicant retired, and
6 the office vacant, and shall file the report in the
7 office of the court administrator, and a copy in the
8 office of the secretary of state. From the date of
9 such filing the applicant shall be deemed retired from
10 the applicant's office and entitled to the benefits of

11 this article to the same extent as if the applicant
12 had retired under the provisions of section 602.9106.
13 Sec. 82. Section 602.9115A, unnumbered paragraphs
14 1 and 3, Code 2003, are amended to read as follows:
15 In lieu of the annuities and refunds provided for
16 judges and judges' survivors under sections 602.9107,
17 ~~602.9107A~~, 602.9108, 602.9115, 602.9204, 602.9208, and
18 602.9209, judges may elect to receive an optional
19 retirement annuity during the judge's lifetime and
20 have the optional retirement annuity, or a designated
21 fraction of the optional retirement annuity, continued
22 and paid to the judge's survivor after the judge's
23 death and during the lifetime of the survivor.
24 The optional retirement annuity shall be the
25 actuarial equivalent of the amounts of the annuities
26 payable to judges and survivors under sections
27 602.9107, ~~602.9107A~~, 602.9115, 602.9204, 602.9208, and
28 602.9209. The actuarial equivalent shall be based on
29 the mortality and interest assumptions set out in
30 section 602.9107, subsection 3.
31 Sec. 83. Section 602.9203, subsection 2, paragraph
32 b, Code 2003, is amended to read as follows:
33 b. Meets the minimum requirements for entitlement
34 to an annuity as specified in section 602.9106.
35 However, a judge who elects to retire prior to
36 attaining the age of sixty-five and who has not had
37 ~~twenty-five~~ twenty years of consecutive service, may
38 serve as a senior judge, but shall not be paid an
39 annuity pursuant to section 602.9204 until attaining
40 age sixty-five.
41 Sec. 84. Section 602.9107A, Code 2003, is
42 repealed.
43 Sec. 85. EFFECTIVE DATE. This division of this
44 Act, concerning the judicial retirement system, being
45 deemed of immediate importance, takes effect upon
46 enactment."
47 2. Title page, by striking lines 1 through 4 and
48 inserting the following: "An Act relating to public
49 retirement systems".

JOHN P. KIBBIE
DENNIS H. BLACK
MIKE CONNOLLY
THOMAS G. COURTNEY
DICK L. DEARDEN
AMANDA RAGAN

S-5260

1 Amend the amendment, S-5240, to House File 2447, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 2, line 49, by striking the words
5 “certified employee” and inserting the following:
6 “labor”.

DICK L. DEARDEN

S-5261

1 Amend House File 2262, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 8, by inserting after line 17 the
4 following:
5 “Sec. ____ Section 97B.42A, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 6. A person who is employed in a
8 position as an employee as defined in section 97B.1A,
9 subsection 8, paragraph “a”, subparagraph (7), on July
10 1, 2004, and who has elected out of coverage under
11 this chapter prior to that date, shall not become a
12 member under the retirement system on July 1, 2004,
13 unless, on or before August 31, 2004, the person files
14 an application with appropriate documentation to elect
15 coverage under this chapter. If a person elects
16 coverage under this chapter, the period of time from
17 July 1, 2004, until the date the person’s election of
18 coverage is effective shall not constitute service for
19 purposes of coverage under this chapter. A decision
20 to elect coverage under this chapter under this
21 subsection is irrevocable upon approval from the
22 system.
23 A person who becomes a member of the Iowa public
24 employees’ retirement system pursuant to this
25 subsection, and who has one or more years of covered
26 wages, may purchase credit, pursuant to section
27 97B.80C, for one or more quarters of service prior to
28 July 1, 2004, in which the person was employed in a
29 position as described by section 97B.1A, subsection 8,
30 paragraph “a”, subparagraph (7), but was not a member
31 of the retirement system.”
32 2. By renumbering as necessary.

JOHN P. KIBBIE
MARK ZIEMAN

S-5262

1 Amend House File 2262, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 17, by inserting after line 17 the
4 following:
5 “Sec. ____ Section 97B.52A, subsection 1,
6 paragraph c, Code Supplement 2003, is amended to read

7 as follows:

8 c. For a member whose first month of entitlement
 9 is July 2000 or later, the member does not return to
 10 any employment with a covered employer until the
 11 member has qualified for at least one calendar month
 12 of retirement benefits, and the member does not return
 13 to covered employment until the member has qualified
 14 for no fewer than four calendar months of retirement
 15 benefits. For purposes of this paragraph, effective
 16 July 1, 2000, any employment with a covered employer
 17 does not include employment as an elective official or
 18 member of the general assembly if the member is not
 19 covered under this chapter for that employment. For
 20 purposes of determining a bona fide retirement under
 21 this paragraph and for a member whose first month of
 22 entitlement is July 2004 or later, but before July
 23 2006, covered employment does not include employment
 24 as a licensed health care professional by a public
 25 hospital as defined in section 249I.3.”

26 2. Page 23, by inserting after line 18 the
 27 following:

28 “Sec. ____ LICENSED HEALTH CARE PROFESSIONALS —
 29 BONA FIDE RETIREMENT REPORT. The Iowa public
 30 employees’ retirement system and the Iowa hospital
 31 association shall each submit a report to the general
 32 assembly by December 1, 2006, concerning the costs and
 33 effectiveness of the provision of this Act amending
 34 section 97B.52A that provides that covered employment,
 35 for purposes of establishing a bona fide retirement,
 36 does not include employment as a licensed health care
 37 professional by a public hospital as defined in
 38 section 249I.3. Each report shall provide statistics
 39 concerning the number of members taking advantage of
 40 this provision, the costs and financial benefits, if
 41 any, associated with this provision, and
 42 recommendations for further action.”

43 3. By renumbering as necessary.

DARYL BEALL
 MARK ZIEMAN

S-5263

1 Amend House File 2262, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 29, by inserting after line 5 the
 4 following:

5 “DIVISION IV
 6 MISCELLANEOUS PROVISIONS
 7 Sec. ____ NEW SECTION. 70A.17B PAYROLL DEDUCTION
 8 FOR ADDITIONAL INSURANCE COVERAGE.

9 1. The state officer in charge of any of the state

10 payroll systems shall deduct from the wages or
11 salaries of a state officer or employee an amount
12 specified by the officer or employee for payment to
13 any company authorized to do business in this state
14 for the purpose of purchasing insurance if all of the
15 following conditions are met:

16 a. At least five hundred state officers or
17 employees request the deduction to purchase insurance
18 from the same company.

19 b. The request for the payroll deduction is made
20 by the state officer or employee in writing to the
21 officer in charge of the program.

22 c. The pay period during which the deduction is
23 made, the frequency, and the amount of the deduction
24 are compatible with the payroll system.

25 d. The insurance coverage to be purchased is not
26 provided by the state.

27 e. The company providing the insurance enters into
28 a written agreement with the state delineating each
29 party's rights and responsibilities.

30 2. The moneys deducted under this section shall be
31 paid to the company designated by the requesting state
32 officers or employees. The deduction may be made even
33 though the compensation paid to an officer or employee
34 is reduced to an amount below the minimum prescribed
35 by law. Payment to an officer or employee of
36 compensation less the deduction shall constitute a
37 full discharge of claims and demands for services
38 rendered by the officer or employee during the period
39 covered by the payment. The request for the deduction
40 may be withdrawn at any time by filing a written
41 notification of withdrawal with the state officer in
42 charge of any of the state payroll systems.

43 3. The department of administrative services
44 reserves the right to terminate an insurance company's
45 participation in the program if the department
46 receives complaints regarding the actions of the
47 insurance company or its agents in relation to the
48 program and such termination would be in the best
49 interest of the state officers and employees, the
50 department makes a determination that the insurance

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1 company has engaged in a pattern or practice of
2 unfair, misleading, or fraudulent acts and such
3 termination would be in the best interest of the state
4 officers and employees, or the commissioner of
5 insurance determines that the company has engaged in
6 practices that would otherwise disqualify the company
7 from providing insurance coverage in Iowa.

8 4. The department is authorized to establish and

- 9 collect an administrative fee as deemed necessary and
 10 appropriate in an amount not to exceed the state's
 11 actual cost of providing the payroll deduction
 12 service.”
- 13 2. Title page, line 1, by inserting after the
 14 words “retirement systems” the following: “and other
 15 employee benefit related matters”.
- 16 3. By renumbering as necessary.

JOHN P. KIBBIE
 MARK ZIEMAN

S-5264

- 1 Amend House File 2262, as amended, passed, and
 2 reprinted by the House, as follows:
- 3 1. Page 2, by inserting after line 26 the
 4 following:
- 5 “Sec. ____ Section 97B.1A, subsection 22, Code
 6 Supplement 2003, is amended to read as follows:
- 7 22. “Special service” means service for an
 8 employer while employed in a protection occupation as
 9 provided in section 97B.49B, and as a county sheriff,
 10 ~~or deputy sheriff, or airport fire fighter~~ as provided
 11 in section 97B.49C.”
- 12 2. Page 14, by inserting after line 7 the
 13 following:
- 14 “Sec. ____ Section 97B.49B, subsection 1,
 15 paragraph c, Code Supplement 2003, is amended to read
 16 as follows:
- 17 c. “Eligible service” means membership and prior
 18 service in a protection occupation. In addition, for
 19 a member with membership and prior service in a
 20 protection occupation described in paragraph “e”,
 21 subparagraph (2), eligible service includes membership
 22 and prior service as a sheriff, ~~or deputy sheriff, or~~
 23 ~~airport fire fighter~~ as defined in section 97B.49C.
- 24 Sec. ____ Section 97B.49B, subsection 1, paragraph
 25 e, Code Supplement 2003, is amended by adding the
 26 following new subparagraph:
- 27 NEW SUBPARAGRAPH. (8) An airport fire fighter
 28 employed by the military division of the department of
 29 public defense.
- 30 Sec. ____ Section 97B.49B, subsection 3, paragraph
 31 b, Code Supplement 2003, is amended by adding the
 32 following new subparagraph:
- 33 NEW SUBPARAGRAPH. (7) For the fiscal year
 34 commencing July 1, 2004, and each succeeding fiscal
 35 year, there is appropriated from the general fund of
 36 the state to the system, from funds not otherwise
 37 appropriated, an amount necessary to pay the employer
 38 share of the cost of the additional benefits provided

39 to airport fire fighters under this section.

40 Sec. ____ Section 97B.49C, subsection 1, paragraph
41 a, Code Supplement 2003, is amended by striking the
42 paragraph.

43 Sec. ____ Section 97B.49C, subsection 1, paragraph
44 d, Code Supplement 2003, is amended to read as
45 follows:

46 d. "Eligible service" means membership and prior
47 service as ~~an airport fire fighter~~, a sheriff, and
48 deputy sheriff under this section. In addition,
49 eligible service includes membership and prior service
50 as a marshal in a city not covered under chapter 400

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1 or a fire fighter or police officer of a city not
2 participating in the retirement systems established in
3 chapter 410 or 411, and as an airport fire fighter
4 prior to July 1, 1994.

5 Sec. ____ Section 97B.49C, subsection 2, Code
6 Supplement 2003, is amended to read as follows:

7 2. CALCULATION OF MONTHLY ALLOWANCE.

8 a. Notwithstanding other provisions of this
9 chapter, a member who retires from employment as a
10 sheriff, deputy sheriff, or airport fire fighter on or
11 after July 1, 1994, and before July 1, 2004, and at
12 the time of retirement is at least fifty-five years of
13 age may elect to receive, in lieu of the receipt of
14 any benefits as calculated pursuant to section 97B.49A
15 or 97B.49D, a monthly retirement allowance equal to
16 one-twelfth of an amount equal to the applicable
17 percentage of the three-year average covered wage as a
18 member who has been employed in eligible service
19 multiplied by a fraction of years of service, with
20 benefits payable during the member's lifetime.

21 b. Notwithstanding other provisions of this
22 chapter, a member who retires from employment as a
23 sheriff or deputy sheriff on or after July 1, 2004,
24 and at the time of retirement is either at least
25 fifty-five years of age or is at least the applicable
26 early retirement age with at least twenty-two years of
27 eligible service may elect to receive, in lieu of the
28 receipt of any benefits as calculated pursuant to
29 section 97B.49A or 97B.49D, a monthly retirement
30 allowance equal to one-twelfth of an amount equal to
31 the applicable percentage of the three-year average
32 covered wage as a member who has been employed in
33 eligible service multiplied by a fraction of years of
34 service, with benefits payable during the member's
35 lifetime.

36 c. For purposes of this subsection, "applicable
37 early retirement age" means the following:

38 (1) For each active or inactive vested member
 39 retiring on or after July 1, 2004, and before July 1,
 40 2005, fifty-four years of age.

41 (2) For each active or inactive vested member
 42 retiring on or after July 1, 2005, and before July 1,
 43 2006, fifty-three years of age.

44 (3) For each active or inactive vested member
 45 retiring on or after July 1, 2006, and before July 1,
 46 2007, fifty-two years of age.

47 (4) For each active or inactive vested member
 48 retiring on or after July 1, 2007, and before July 1,
 49 2008, fifty-one years of age.

50 (5) For each active or inactive vested member

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1 retiring on or after July 1, 2008, fifty years of age.
 2 Sec. ____ Section 97B.49C, subsection 3, paragraph
 3 a, Code Supplement 2003, is amended to read as
 4 follows:
 5 a. Annually, the system shall actuarially
 6 determine the cost of the ~~additional~~ benefits provided
 7 for members covered under this section as a percentage
 8 of the covered wages of the employees covered by this
 9 section. ~~Sixty~~ Fifty percent of the cost shall be
 10 paid by the employers of employees covered under this
 11 section and ~~forty~~ fifty percent of the cost shall be
 12 paid by the employees. The employer and employee
 13 contributions required under this paragraph are in
 14 ~~addition to lieu of~~ the contributions paid under
 15 sections 97B.11 and 97B.11A. ~~However, the cost of~~
 16 ~~including service as an airport fire fighter prior to~~
 17 ~~July 1, 1994, as eligible service under this section~~
 18 ~~shall not affect the contribution rates calculated and~~
 19 ~~paid by the member or the employer under this section.~~

20 Sec. ____ Section 97B.49C, subsection 3, paragraph
 21 b, Code Supplement 2003, is amended to read as
 22 follows:
 23 b. ~~(1)~~ Annually, during each fiscal year
 24 commencing with the fiscal year beginning July 1,
 25 1988, each county shall pay to the system the amount
 26 necessary to pay the employer share of the cost of the
 27 ~~additional~~ benefits provided to sheriffs and deputy
 28 sheriffs.

29 ~~(2) For the fiscal year commencing July 1, 1994,~~
 30 ~~and each succeeding fiscal year, there is appropriated~~
 31 ~~from the general fund of the state to the system, from~~
 32 ~~funds not otherwise appropriated, an amount necessary~~
 33 ~~to pay the employer share of the cost of the~~
 34 ~~additional benefits provided to airport fire fighters~~
 35 ~~under this section."~~

36 3. Page 16, by inserting after line 32 the

37 following:

38 “Sec. ____ Section 97B.52, subsection 1, paragraph
39 a, subparagraph (3), Code Supplement 2003, is amended
40 to read as follows:

41 (3) For service as a sheriff, or deputy sheriff,
42 ~~or airport fire fighter~~, as provided in section
43 97B.49C, the applicable denominator is twenty-two.”

44 4. Page 22, by inserting after line 5 the
45 following:

46 “Sec. ____ Section 411.6, subsection 7, paragraph
47 c, Code 2003, is amended to read as follows:

48 c. Should a disability beneficiary under age
49 fifty-five be employed in a public safety occupation,
50 the disability beneficiary’s retirement allowance

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1 shall cease. Notwithstanding any provision of this
2 chapter to the contrary, if a disability beneficiary
3 is employed in a public safety occupation that would
4 otherwise constitute membership service, the
5 disability beneficiary shall not become a member of
6 the system. For purposes of this paragraph, “public
7 safety occupation” means a peace officer, as defined
8 in section 97A.1; a protection occupation, as defined
9 in section 97B.49B; a sheriff, or deputy sheriff, ~~or~~
10 ~~airport fire fighter~~, as defined in section 97B.49C;
11 and a police officer or fire fighter as defined in
12 section 411.1, who was not restored to active service
13 as provided by this subsection.

14 Sec. ____ Section 724.6, subsection 2, Code 2003,
15 is amended to read as follows:

16 2. Notwithstanding subsection 1, fire fighters, as
17 defined in section 411.1, subsection 9, airport fire
18 fighters included under section ~~97B.49C~~ 97B.49B,
19 emergency rescue technicians, and emergency medical
20 care providers, as defined in section 147A.1, shall
21 not, as a condition of employment, be required to
22 obtain a permit under this section. However, the
23 provisions of this subsection shall not apply to a
24 person designated as an arson investigator by the
25 chief fire officer of a political subdivision.”

26 5. By renumbering as necessary.

MARK ZIEMAN
MIKE CONNOLLY
JOHN P. KIBBIE

S-5265

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 2, line 29, by inserting before the word
4 “Relevant” the following: “Relevant information
5 provided to the general public shall include the
6 offense level pursuant to subsection 5A.”

7 2. Page 2, by inserting after line 30 the
8 following:

9 “5A. a. In addition to any relevant information
10 disclosed in subsection 5, the department shall
11 disclose the offense level of a person required to
12 register under this chapter. The offense level shall
13 be disclosed to the general public in the following
14 manner:

15 (1) “High offense level” means any conviction for
16 an offense categorized as a class “A”, “B”, or “C”
17 felony, or a person required to register for the rest
18 of the person’s life.

19 (2) “Moderate offense level” means any conviction
20 for an offense categorized as a class “D” felony.

21 (3) “Low offense level” means any conviction for
22 an offense categorized as a misdemeanor.

23 b. If a person required to register under this
24 chapter has a conviction under the laws of another
25 state, the department shall determine the offense
26 level prior to disclosing the information to the
27 general public.”

28 3. By renumbering as necessary.

DAVID MILLER

S-5266

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, line 15, by inserting after the word
4 “recommendation.” the following: “If the respondent
5 has no county of legal settlement or the legal
6 settlement is unknown, the state shall provide the
7 placement recommendation and facility identification
8 in lieu of the administrator or designee.”

9 2. Page 3, line 7, by inserting after the word
10 “respondent.” the following: “If the respondent has
11 no county of legal settlement or the legal settlement
12 is unknown, the state shall provide the placement
13 recommendation and facility identification in lieu of
14 the administrator or designee.”

15 3. Page 3, line 26, by inserting after the word
16 “respondent.” the following: “If the respondent has
17 no county of legal settlement or the legal settlement

18 is unknown, the state shall provide the placement
 19 recommendation and facility identification in lieu of
 20 the administrator or designee.”

21 4. Page 4, line 6, by inserting after the word
 22 “respondent.” the following: “If the respondent has
 23 no county of legal settlement or the legal settlement
 24 is unknown, the state shall provide the placement
 25 recommendation and facility identification in lieu of
 26 the administrator or designee.”

27 5. Page 5, line 1, by inserting after the word
 28 “respondent.” the following: “If the respondent has
 29 no county of legal settlement or the legal settlement
 30 is unknown, the state shall provide the placement
 31 recommendation and facility identification in lieu of
 32 the administrator or designee.”

HUBERT HOUSER

S-5267

- 1 Amend the amendment, S-5226, to House File 2262, as
- 2 amended, passed, and reprinted by the House, as
- 3 follows:
- 4 1. Page 1, by striking lines 19 through 24.

DAVID JOHNSON

S-5268

- 1 Amend Senate File 2248 as follows:
- 2 1. Page 1, line 24, by inserting before the word
- 3 “developmental” the following: “mental retardation.”
- 4 2. Page 2, line 1, by inserting before the word
- 5 “developmental” the following: “mental retardation.”
- 6 3. Page 2, line 10, by inserting before the word
- 7 “developmental” the following: “mental retardation.”
- 8 4. Page 2, line 15, by inserting before the word
- 9 “developmental” the following: “mental retardation.”
- 10 5. Page 2, line 19, by inserting before the word
- 11 “developmental” the following: “mental retardation.”
- 12 6. Page 3, line 25, by inserting before the word
- 13 “developmental” the following: “mental retardation.”
- 14 7. Page 4, line 18, by inserting before the word
- 15 “developmental” the following: “mental retardation.”
- 16 8. Page 4, line 28, by inserting before the word
- 17 “developmental” the following: “mental retardation.”
- 18 9. Page 4, line 35, by inserting before the word
- 19 “developmental” the following: “mental retardation.”
- 20 10. Page 5, line 14, by inserting before the word
- 21 “developmental” the following: “mental retardation.”
- 22 11. Page 6, line 1, by inserting before the word
- 23 “developmental” the following: “mental retardation.”

24 12. Page 6, line 17, by inserting before the word
 25 “developmental” the following: “mental retardation.”
 26 13. Page 7, line 2, by inserting before the word
 27 “developmental” the following: “mental retardation.”
 28 14. Page 7, line 13, by inserting before the word
 29 “developmental” the following: “mental retardation.”
 30 15. Page 7, line 20, by inserting before the word
 31 “developmental” the following: “mental retardation.”
 32 16. Page 8, line 2, by inserting before the word
 33 “developmental” the following: “mental retardation.”
 34 17. Page 8, line 14, by inserting before the word
 35 “developmental” the following: “mental retardation.”
 36 18. Page 8, line 24, by inserting before the word
 37 “developmental” the following: “mental retardation.”
 38 19. Page 9, line 11, by inserting before the word
 39 “developmental” the following: “mental retardation.”
 40 20. Page 9, line 18, by striking the words
 41 “~~mental retardation, and~~” and inserting the following:
 42 “~~mental retardation, and or other~~.”
 43 21. Page 15, line 3, by inserting before the word
 44 “developmental” the following: “mental retardation.”
 45 22. Page 15, line 12, by inserting before the
 46 word “developmental” the following: “mental
 47 retardation.”
 48 23. Page 16, line 12, by inserting before the
 49 word “developmental” the following: “mental
 50 retardation.”

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1 24. Page 16, line 17, by inserting after the word
 2 “codification,” the following: “in this Act.”
 3 25. By striking page 16, line 20, through page
 4 18, line 34, and inserting the following:
 5 “DIVISION II
 6 LEGAL SETTLEMENT DISPUTE RESOLUTION
 7 Sec. 34. NEW SECTION. 225C.6A MENTAL HEALTH,
 8 DEVELOPMENTAL DISABILITY, AND BRAIN INJURY SERVICE
 9 SYSTEM REDESIGN IMPLEMENTATION.
 10 1. PURPOSE. It is the intent of the general
 11 assembly to implement a redesign of the mental health,
 12 developmental disability, and brain injury service
 13 system over a period of years in order to transition
 14 to a coordinated system for Iowans with mental
 15 illness, mental retardation or other developmental
 16 disabilities, or brain injury. Because of the
 17 significance of the redesign to the persons who may be
 18 affected by it and the degree of uncertainty regarding
 19 the extent of funding changes necessary for
 20 implementation, the department and the commission
 21 shall not implement a redesign provision through
 22 rulemaking or other means unless specific statutory

23 authority provides for the provision's implementation.

24 2. INITIAL ACTIVITIES. For the fiscal years
25 beginning July 1, 2004, and July 1, 2005, the
26 commission shall do the following:

27 a. Identify sources of revenue to support
28 statewide delivery of core disability services to
29 eligible disability populations.

30 b. Further develop adult disability services
31 system redesign proposals and propose a redesign of
32 the children's disability service system. The
33 redesign of the children's system shall address issues
34 associated with an individual's transition between the
35 two systems.

36 c. Plan, collect, and analyze data as necessary to
37 issue cost estimates for serving additional
38 populations and providing core disability services
39 statewide.

40 d. With consumer input, identify and propose
41 standardized functional assessment tools and processes
42 for use in the eligibility determination process when
43 eligibility for a particular disability population
44 group is implemented. The tools and processes shall
45 be integrated with those utilized for the medical
46 assistance program under chapter 249A. For the
47 initial diagnostic criteria, the commission shall
48 consider identifying a qualifying functional
49 assessment score and any of the following diagnoses:
50 mental illness, chronic mental illness, mental

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1 retardation, developmental disability, or brain
2 injury.

3 e. The commission shall adopt a multiyear plan for
4 developing and providing the data, cost projections,
5 revenue requirements, and other information needed to
6 support decision making concerning redesign
7 provisions. The information shall be provided as part
8 of the commission's regular reports to the governor
9 and general assembly or more often as determined to be
10 appropriate by the commission.

11 f. Propose case rates for disability services.

12 g. Work with county representatives and other
13 qualified persons to develop an implementation plan
14 for replacing the county of legal settlement approach
15 to determining service system funding responsibilities
16 with an approach based upon residency. The plan shall
17 address a statewide standard for proof of residency,
18 outline a plan for establishing a data system for
19 identifying residency of eligible individuals, address
20 residency issues for individuals who began residing in
21 a county due to a court order or criminal sentence or

22 to obtain services in that county, recommend an
23 approach for contesting a residency determination, and
24 address other implementation issues.

25 Sec. 35. OTHER REDESIGN ACTIVITIES.

26 1. The department of human services and the mental
27 health, developmental disabilities, and brain injury
28 commission shall report on the actions taken and
29 proposals made to implement the provisions of section
30 225C.6A, as enacted by this Act, in the commission's
31 annual report to the governor and general assembly
32 submitted pursuant to section 225C.6 for consideration
33 by the general assemblies meeting in 2005, 2006, and
34 2007. In addition, the department and commission
35 shall submit a progress report to the governor and
36 general assembly in July 2004, July 2005, and July
37 2006, on the implementation of the provisions. Any
38 proposal shall include data needed to address the
39 proposal, including the potential impact on counties
40 bordering other states.

41 2. Subject to funding availability, the department
42 and commission shall address all of the following
43 state-level adult disability service system redesign
44 activities during the fiscal year beginning July 1,
45 2004, and ending June 30, 2005:

46 a. Propose a new disability services information
47 technology system.

48 b. Improve state administration of disability
49 services by consolidating disability services into a
50 new departmental division or other appropriate

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1 strategy.

2 c. Improve the interfaces between departmental
3 administrative units and other state agencies directly
4 or indirectly involved with persons with mental
5 illness, developmental disabilities, or brain injury.

6 d. Solicit and incorporate input regarding the
7 service system and service system funding from persons
8 receiving services, service providers, and county
9 central point of coordination process administrators.

10 e. Provide information to the public regarding the
11 service system.

12 DIVISION III

13 LEGAL SETTLEMENT DISPUTE RESOLUTION

14 Sec. 36. NEW SECTION. 225C.8 LEGAL SETTLEMENT
15 DISPUTE RESOLUTION.

16 1. a. The dispute resolution process implemented
17 in accordance with this section applies to legal
18 settlement disputes and is not applicable to disputes
19 involving persons committed to a state facility
20 pursuant to chapter 812 or rule of criminal procedure

21 2.22, Iowa court rules, or to disputes of service
22 authorization decisions made through the county single
23 entry point process.

24 b. If a county receives a billing for services
25 provided to a person under chapter 222, 230, or 249A,
26 or objects to a legal settlement determination
27 certified by the department or another county and
28 asserts either that the person has legal settlement in
29 another county or that the person has no legal
30 settlement or the legal settlement is unknown so that
31 the person is deemed to be a state case, the person's
32 legal settlement status shall be determined as
33 provided in this section. The county shall notify the
34 department of the county's assertion within one
35 hundred twenty days of receiving the billing. If the
36 county asserts that the person has legal settlement in
37 another county, that county shall be notified at the
38 same time as the department. If the department
39 disputes a legal settlement determination
40 certification made by a county, the department shall
41 notify the affected counties of the department's
42 assertion.

43 2. The department or the county that received the
44 notification, as applicable, shall respond to the
45 party that provided the notification within forty-five
46 days of receiving the notification. If the parties
47 cannot agree to a settlement as to the person's legal
48 settlement status within ninety days of the date of
49 notification, on motion of any of the parties, the
50 matter shall be referred to the department of

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1 inspections and appeals for a contested case hearing
2 under chapter 17A before an administrative law judge
3 assigned in accordance with section 10A.801 to
4 determine the person's legal settlement status.

5 3. a. The administrative law judge's
6 determination of the person's legal settlement status
7 is a final agency action, notwithstanding contrary
8 provisions of section 17A.15. The party that does not
9 prevail in the determination or subsequent judicial
10 review is liable for costs associated with the
11 proceeding, including reimbursement of the department
12 of inspections and appeals' actual costs associated
13 with the administrative proceeding. Judicial review
14 of the determination may be sought in accordance with
15 section 17A.19.

16 b. If following the determination of a person's
17 legal settlement status in accordance with this
18 section, additional evidence becomes available that
19 merits a change in that determination, the parties

20 affected may change the determination by mutual
 21 agreement. Otherwise, a party may move that the
 22 matter be reconsidered.

23 4. Unless a petition is filed for judicial review,
 24 the administrative law judge's determination of the
 25 person's legal settlement status shall result in one
 26 of the following:

27 a. If a county is determined to be the person's
 28 county of legal settlement, the county shall pay the
 29 amounts due and shall reimburse any other amounts paid
 30 for services provided under chapter 222, 230, or 249A
 31 by the county or the department on the person's behalf
 32 prior to issuance of the decision. The payment or
 33 reimbursement shall be remitted within forty-five days
 34 of the date the decision was issued. After the forty-
 35 five-day period, a penalty may be applied as
 36 authorized under section 222.68, 222.75, or 230.22.

37 b. If it is determined that the person has no
 38 legal settlement or the legal settlement is unknown so
 39 that the person is deemed to be a state case, the
 40 department shall credit the county for any payment
 41 made on behalf of the person by the county prior to
 42 issuance of the decision. The credit shall be applied
 43 by the department on a county billing no later than
 44 the end of the quarter immediately following the date
 45 of the decision's issuance.

46 Sec. 37. Section 222.61, unnumbered paragraph 1,
 47 Code 2003, is amended to read as follows:

48 When a county receives an application on behalf of
 49 any person for admission to a resource center or a
 50 special unit or when ~~any~~ a court issues an order

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1 committing any person to a resource center or a
 2 special unit, the board of supervisors shall utilize
 3 the single entry point process to determine ~~or the~~
 4 ~~court shall determine and enter as a matter of record~~
 5 ~~whether~~ certify that the legal settlement of the
 6 person is in one of the following:

7 Sec. 38. Section 222.62, Code 2003, is amended to
 8 read as follows:

9 222.62 SETTLEMENT IN ANOTHER COUNTY.
 10 ~~Whenever~~ When the board of supervisors ~~utilizes a~~
 11 ~~determines through the~~ single entry point process ~~to~~
 12 ~~determine or the court determines~~ that the legal
 13 settlement of the person is other than in the county
 14 in which the application is received ~~or the court is~~
 15 ~~located, the board or court shall, as soon as~~
 16 ~~determination is made, certify such finding~~ the
 17 determination shall be certified to the superintendent
 18 of the resource center or the special unit where the

19 person is a patient. The certification shall be
 20 accompanied by a copy of the evidence supporting the
 21 determination. The superintendent shall charge the
 22 expenses already incurred and unadjusted, and all
 23 future expenses of the patient, to the county ~~so~~
 24 certified ~~until the patient's~~ to be the county of
 25 legal settlement ~~shall be otherwise determined as~~
 26 ~~provided by this chapter.~~

27 Sec. 39. Section 222.63, Code 2003, is amended to
 28 read as follows:

29 222.63 FINDING OF SETTLEMENT — OBJECTION.

30 ~~Said finding of A board of supervisors'~~
 31 certification utilizing the single entry point process
 32 that a person's legal settlement is in another county
 33 shall also be certified sent by the board of
 34 supervisors ~~or the court~~ to the ~~county~~ auditor of the
 35 county of legal settlement. The certification shall
 36 be accompanied by a copy of the evidence supporting
 37 the determination. ~~Such~~ The auditor of the county of
 38 legal settlement shall lay such notification before
 39 submit the certification to the board of supervisors
 40 of the auditor's county ~~whereupon and~~ it shall be
 41 conclusively presumed that the patient has a legal
 42 settlement in ~~said that~~ county unless ~~the that~~ county
 43 ~~shall, within six months, in writing filed with the~~
 44 ~~board of supervisors or the court giving such notice,~~
 45 ~~dispute said legal settlement disputes the~~
 46 determination of legal settlement as provided in
 47 section 225C.8.

48 Sec. 40. Section 222.64, Code 2003, is amended to
 49 read as follows:

50 222.64 FOREIGN STATE OR COUNTRY OR UNKNOWN LEGAL

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1 SETTLEMENT.
 2 If the legal settlement of the person is ~~found~~
 3 determined by the board of supervisors through ~~a th~~
 4 single entry point process ~~or the court~~ to be in a
 5 foreign state or country or is ~~found determined~~ to be
 6 unknown, the board of supervisors ~~or the court~~ shall
 7 ~~immediately notify~~ certify the determination to the
 8 administrator ~~of the finding and shall furnish the~~
 9 administrator with a copy of the evidence taken on the
 10 question of legal settlement. The certification shall
 11 be accompanied by a copy of the evidence supporting
 12 the determination. The care of the person shall be as
 13 arranged by the board of supervisors or by an order as
 14 the court may enter. Application for admission or
 15 order of commitment may be made pending investigation
 16 by the administrator.
 17 Sec. 41. Section 222.65, Code 2003, is amended to

18 read as follows:

19 222.65 INVESTIGATION.

20 ~~The~~ If an application is made for placement of a
 21 person in a state resource center or special unit, the
 22 administrator shall immediately investigate the legal
 23 settlement of the person and proceed as follows:

24 1. If the administrator ~~finds that the decision of~~
 25 ~~the board of supervisors or the court~~ concurs with a
 26 certified determination as to legal settlement of the
 27 ~~person is correct so that the person is deemed a state~~
 28 case, the administrator shall cause the person either
 29 to be transferred to a resource center or a special
 30 unit ~~and there maintained at the expense of the state~~
 31 or to be transferred to the place of foreign
 32 settlement.

33 2. If the administrator ~~finds that the decision of~~
 34 ~~the board of supervisors or the court is not correct~~
 35 disputes a certified determination of legal
 36 settlement, the administrator shall order the person
 37 transferred to a state resource center or a special
 38 unit ~~and there maintained at the expense of the county~~
 39 of legal settlement in this state until the dispute is
 40 resolved.

41 3. If the administrator disputes a certified
 42 determination of legal settlement, the administrator
 43 shall utilize the procedure provided in section 225C.8
 44 to resolve the dispute. A determination of the
 45 person's legal settlement status made pursuant to
 46 section 225C.8 is conclusive.

47 Sec. 42. Section 222.67, Code 2003, is amended to
 48 read as follows:

49 222.67 CHARGE ON FINDING OF SETTLEMENT.

50 ~~Where~~ If a person has been received into a resource

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1 center or a special unit as a patient whose legal
 2 settlement is supposedly outside the state or is
 3 unknown and the administrator ~~finds~~ determines that
 4 the legal settlement of the patient was at the time of
 5 admission or commitment in a county of this state, the
 6 administrator shall certify the determination and
 7 charge all legal costs and expenses pertaining to the
 8 admission or commitment and support of the patient to
 9 the county of such legal settlement. The
 10 certification shall be sent to the county of legal
 11 settlement. The certification shall be accompanied by
 12 a copy of the evidence supporting the determination.
 13 If the person's legal settlement status has been
 14 determined in accordance with section 225C.8, the
 15 legal costs and expenses shall be charged to the
 16 county or as a state case in accordance with that

17 determination. The costs and expenses shall be
 18 collected as provided by law in other cases.
 19 Sec. 43. Section 222.70, Code 2003, is amended by
 20 striking the section and inserting in lieu thereof the
 21 following:
 22 222.70 LEGAL SETTLEMENT DISPUTES.
 23 If a dispute arises between counties or between the
 24 department and a county as to the legal settlement of
 25 a person admitted or committed to a resource center, a
 26 special unit, or a community-based service, the
 27 dispute shall be resolved as provided in section
 28 225C.8.
 29 Sec. 44. Section 230.2, unnumbered paragraph 1,
 30 Code 2003, is amended to read as follows:
 31 ~~The~~ If a person's legal settlement status is
 32 disputed, legal settlement shall be determined in
 33 accordance with section 225C.8. Otherwise, the
 34 district court ~~shall~~ may, when ~~a~~ the person is ordered
 35 placed in a hospital for psychiatric examination and
 36 appropriate treatment, or as soon thereafter as ~~it~~ the
 37 court obtains the proper information, determine and
 38 enter of record whether the legal settlement of ~~said~~
 39 the person is one of the following:
 40 Sec. 45. Section 230.3, Code 2003, is amended to
 41 read as follows:
 42 230.3 CERTIFICATION OF SETTLEMENT.
 43 If ~~such a person's~~ legal settlement is ~~found~~
 44 determined through the county's single entry point
 45 process to be in another county of this state, ~~the~~
 46 court shall, as soon as said determination is made,
 47 the county making the determination shall certify ~~such~~
 48 finding the determination to the superintendent of the
 49 hospital to which ~~said patient~~ the person is admitted
 50 or committed, ~~and thereupon said.~~ The certification

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1 shall be accompanied by a copy of the evidence
 2 supporting the determination. Upon receiving the
 3 certification, the superintendent shall charge the
 4 expenses already incurred and unadjusted, and all
 5 future expenses of ~~such patient, the person~~ to the
 6 county ~~so certified until said~~ determined to be the
 7 county of legal settlement shall be otherwise
 8 determined as hereinafter provided.
 9 Sec. 46. Section 230.4, Code 2003, is amended to
 10 read as follows:
 11 230.4 CERTIFICATION TO DEBTOR COUNTY.
 12 ~~Said finding~~ A determination of a person's legal
 13 settlement made in accordance with section 230.2 or
 14 230.3 shall also be certified sent by the court or the
 15 county to the county auditor of the county of ~~such~~

16 legal settlement. The certification shall be
 17 accompanied by a copy of the evidence supporting the
 18 determination. Such ~~The~~ auditor shall ~~lay such~~
 19 ~~notification before~~ provide the certification to the
 20 board of supervisors of the auditor's county, and it
 21 shall be conclusively presumed that ~~such the~~ person
 22 has a legal settlement in ~~said the~~ notified county
 23 unless ~~said that~~ county ~~shall within sixty days give~~
 24 ~~notice in writing to the court that the county~~
 25 ~~disputes the finding of legal settlement~~ as provided
 26 in section 225C.8.

27 Sec. 47. Section 230.5, Code 2003, is amended to
 28 read as follows:

29 230.5 NONRESIDENTS.

30 If ~~such a person's~~ legal settlement is ~~found by the~~
 31 ~~court~~ determined in accordance with section 230.2 or
 32 230.3 to be in ~~some a~~ foreign state or country, or ~~is~~
 33 unknown, the court ~~or the county~~ shall immediately
 34 ~~notify the~~ certify the determination to the
 35 ~~administrator of the finding and furnish the~~
 36 ~~administrator with a copy of the evidence taken on the~~
 37 ~~question of legal settlement, and shall in its.~~ The
 38 certification shall be accompanied by a copy of the
 39 evidence supporting the determination. A court order
 40 issued pursuant to section 229.13 shall direct that
 41 the patient be hospitalized at the appropriate state
 42 hospital for persons with mental illness.

43 Sec. 48. Section 230.6, Code 2003, is amended to
 44 read as follows:

45 230.6 ~~DETERMINATION INVESTIGATION BY~~
 46 ~~ADMINISTRATOR.~~

47 The administrator shall immediately investigate the
 48 legal settlement of ~~said a~~ patient and proceed as
 49 follows:

50 1. If the administrator ~~finds that the decision of~~

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1 ~~the court as to concurs with a certified determination~~
 2 ~~of legal settlement is correct concerning the patient,~~
 3 the administrator shall cause ~~said the~~ patient either
 4 to be transferred to a state hospital for persons with
 5 mental illness at the expense of the state, or to be
 6 transferred, with approval of the court as required by
 7 chapter 229 to the place of foreign settlement.

8 2. If the administrator ~~finds that the decision of~~
 9 ~~the court is not correct~~ disputes a certified legal
 10 settlement determination, the administrator shall
 11 order ~~said the~~ patient to be maintained at a state
 12 hospital for persons with mental illness at the
 13 expense of the state, ~~and shall at once inform the~~
 14 ~~court of such finding and request that the court's~~

15 ~~order be modified accordingly until the dispute is~~
 16 ~~resolved.~~

17 3. If the administrator disputes a legal
 18 settlement determination, the administrator shall
 19 utilize the procedure provided in section 225C.8 to
 20 resolve the dispute. A determination of the person's
 21 legal settlement status made pursuant to section
 22 225C.8 is conclusive.

23 Sec. 49. Section 230.9, Code 2003, is amended to
 24 read as follows:

25 230.9 SUBSEQUENT DISCOVERY OF RESIDENCE.

26 If, after a ~~patient person~~ has been received ~~into~~
 27 ~~by~~ a state hospital for persons with mental illness as
 28 a state case patient whose legal settlement is
 29 supposed to be outside this state or unknown, the
 30 administrator ~~finds~~ determines that the legal
 31 settlement of ~~said patient~~ the person was, at the time
 32 of admission or commitment, in a county of this state,
 33 ~~said~~ the administrator shall certify the determination
 34 and charge all legal costs and expenses pertaining to
 35 the admission or commitment and support of ~~said~~
 36 ~~patient~~ the person to the county of ~~such~~ legal
 37 settlement, ~~and the same~~. The certification shall be
 38 sent to the county of legal settlement. The
 39 certification shall be accompanied by a copy of the
 40 evidence supporting the determination. The costs and
 41 expenses shall be collected as provided by law in
 42 other cases. If the person's legal settlement status
 43 has been determined in accordance with section 225C.8,
 44 the legal costs and expenses shall be charged to the
 45 county or as a state case in accordance with that
 46 determination.

47 Sec. 50. Section 230.12, Code 2003, is amended by
 48 striking the section and inserting in lieu thereof the
 49 following:

50 230.12 LEGAL SETTLEMENT DISPUTES.

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1 If a dispute arises between different counties or
 2 between the administrator and a county as to the legal
 3 settlement of a person admitted or committed to a
 4 state hospital for persons with mental illness, the
 5 dispute shall be resolved as provided in section
 6 225C.8.

7 Sec. 51. Section 232.141, subsection 8, Code 2003,
 8 is amended to read as follows:

9 8. This subsection applies only to placements in a
 10 juvenile shelter care home which is publicly owned,
 11 operated as a county or multicounty shelter care home,
 12 organized under a chapter 28E agreement, or operated
 13 by a private juvenile shelter care home. If the

14 actual and allowable costs of a child's shelter care
15 placement exceed the amount the department is
16 authorized to pay in accordance with law and
17 administrative rule, the unpaid costs may be recovered
18 from the child's county of legal settlement. However,
19 the maximum amount of the unpaid costs which may be
20 recovered under this subsection is limited to the
21 difference between the amount the department is
22 authorized to pay and the statewide average of the
23 actual and allowable rates in effect in May of the
24 preceding fiscal year for reimbursement of juvenile
25 shelter care homes. In no case shall the home be
26 reimbursed for more than the home's actual and
27 allowable costs. The unpaid costs are payable
28 pursuant to filing of verified claims against the
29 county of legal settlement. A detailed statement of
30 the facts upon which a claim is based shall accompany
31 the claim. Any dispute between counties arising from
32 filings of claims pursuant to this subsection shall be
33 settled in the manner provided to determine legal
34 settlement in section ~~230.12~~ 225C.8.

35 Sec. 52. Section 249A.26, Code 2003, is amended by
36 adding the following new subsection:

37 NEW SUBSECTION. 5. If a dispute arises between
38 different counties or between the department and a
39 county as to the legal settlement of a person who
40 receives medical assistance for which the nonfederal
41 share is payable in whole or in part by a county of
42 legal settlement, and cannot be resolved by the
43 parties, the dispute shall be resolved as provided in
44 section 225C.8.

45 Sec. 53. Section 252.23, Code 2003, is amended to
46 read as follows:

47 252.23 TRIAL.

48 If the alleged settlement is disputed, then, within
49 thirty days after notice as provided in section
50 252.22, a copy of the notices sent and received shall

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1 be filed in the office of the clerk of the district
2 court of the county against which claim is made, and a
3 cause docketed without other pleadings, and tried as
4 an ordinary action, in which the county granting the
5 assistance shall be plaintiff, and the other
6 defendant, and the burden of proof shall be upon the
7 county granting the assistance. However, a legal
8 settlement dispute initiated under chapter 222, 230,
9 or 249A shall be resolved as provided in section
10 225C.8.

11 Sec. 54. APPLICABILITY.

12 1. The timeframes specified in section 225C.8, as

13 enacted by this division of this Act, are applicable
 14 to legal settlement disputes involving billings for
 15 services provided on or after July 1, 2004.
 16 2. For legal settlement disputes involving
 17 billings for services provided prior to July 1, 2004,
 18 unless the county disputed the billing prior to July
 19 1, 2004, the person's legal settlement shall be deemed
 20 to be in the county that was billed for services
 21 provided to the person. However, if a county disputed
 22 the billing for a service provided prior to July 1,
 23 2004, and the matter cannot be resolved with the
 24 department of human services or with the other county,
 25 in lieu of the forty-five-day period specified in
 26 section 225C.8, subsection 2, a party may move for the
 27 matter to be resolved in the manner provided in
 28 section 225C.8, at any time prior to January 1, 2005.
 29 If a party has not made such a motion, effective
 30 January 1, 2005, the matter shall be closed and the
 31 person's legal settlement shall be in the county that
 32 was billed for services provided to the person.
 33 Sec. 55. Sections 222.71, 222.72, 230.13, and
 34 230.14, Code 2003, are repealed."

KEN VEENSTRA

S-5269

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 21, by inserting before the word
 4 "In" the following: "1."
 5 2. Page 1, by striking lines 27 and 28 and
 6 inserting the following: "dollars."
 7 2. The noneconomic damage limit in subsection 1
 8 shall not apply to the following:
 9 a. A court finding of actual malice on the part of
 10 the defendant.
 11 b. An act or omission of a health care provider
 12 that does not meet the minimum standard of skill or
 13 care ordinarily possessed and exercised by a health
 14 care provider under similar circumstances."
 15 3. By renumbering as necessary.

DONALD B. REDFERN

S-5270

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 "Sec. 4. NEW SECTION. 668B.4 CONTINGENT REPEAL.

6 If the commissioner of insurance determines that
 7 the rate of increase in the average cost of medical
 8 malpractice premiums in the state from July 1, 2004,
 9 through June 30, 2005, exceeds the cumulative
 10 inflation factor for that period, this chapter is
 11 repealed on June 30, 2005.”

STEVE WARNSTADT

S-5271

1 Amend House File 2262, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 29, by inserting after line 5 the
 4 following:
 5 “DIVISION IV
 6 JUDICIAL RETIREMENT SYSTEM
 7 Sec. ____ JUDICIAL RETIREMENT SYSTEM — SPECIAL
 8 VESTING PROVISION.
 9 1. Notwithstanding any provision of chapter 602 to
 10 the contrary, a judge who has had an aggregate of at
 11 least four years of service as a judge of one or more
 12 of the courts as of the effective date of this section
 13 of this Act shall be deemed to have had at least six
 14 years of service as a judge for purposes of
 15 determining the judge’s eligibility for a retirement
 16 benefit under the retirement system pursuant to
 17 sections 602.9106, 602.9108, and 602.9112, and section
 18 602.9107C, subsection 1.
 19 2. This section of this Act, being deemed of
 20 immediate importance, takes effect upon enactment.”
 21 2. Title page, line 4, by striking the words
 22 “system, and” and inserting the following: “system.”.
 23 3. Title page, line 4, by inserting after the
 24 words “retirement system,” the following: “and the
 25 judicial retirement system.”.
 26 4. By renumbering as necessary.

BRYAN J. SIEVERS
 JULIE M. HOSCH

S-5272

1 Amend House File 2262, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 29, by inserting after line 5 the
 4 following:
 5 “DIVISION IV
 6 JUDICIAL RETIREMENT SYSTEM
 7 Sec. ____ Section 602.9104, subsection 1, Code
 8 Supplement 2003, is amended to read as follows:
 9 1. A judge to whom this article applies shall be

10 paid an amount equal to ~~ninety five~~ ninety-four
11 percent of the basic salary of the judge as set by the
12 general assembly. An amount equal to ~~five six~~ percent
13 of the basic salary of the judge as set by the general
14 assembly is designated as the judge's contribution to
15 the judicial retirement fund, and shall be paid by the
16 state in the manner provided in subsection 2.

17 Sec. ____ Section 602.9106, Code 2003, is amended
18 to read as follows:

19 602.9106 RETIREMENT.

20 Any person who shall have become separated from
21 service as a judge of any of the courts included in
22 this article and who has had an aggregate of at least
23 six years of service as a judge of one or more of such
24 courts and shall have attained the age of sixty-five
25 years or who has had ~~twenty five~~ twenty years of
26 consecutive service as a judge of one or more of said
27 courts, and who shall have otherwise qualified as
28 provided in this article, shall be entitled to an
29 annuity as hereinafter provided.

30 Sec. ____ Section 602.9115A, unnumbered paragraphs
31 1 and 3, Code 2003, are amended to read as follows:

32 In lieu of the annuities and refunds provided for
33 judges and judges' survivors under sections 602.9107,
34 ~~602.9107A~~, 602.9108, 602.9115, 602.9204, 602.9208, and
35 602.9209, judges may elect to receive an optional
36 retirement annuity during the judge's lifetime and
37 have the optional retirement annuity, or a designated
38 fraction of the optional retirement annuity, continued
39 and paid to the judge's survivor after the judge's
40 death and during the lifetime of the survivor.

41 The optional retirement annuity shall be the
42 actuarial equivalent of the amounts of the annuities
43 payable to judges and survivors under sections
44 602.9107, ~~602.9107A~~, 602.9115, 602.9204, 602.9208, and
45 602.9209. The actuarial equivalent shall be based on
46 the mortality and interest assumptions set out in
47 section 602.9107, subsection 3.

48 Sec. ____ Section 602.9203, subsection 2,
49 paragraph b, Code 2003, is amended to read as follows:

50 b. Meets the minimum requirements for entitlement

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1 to an annuity as specified in section 602.9106.
2 However, a judge who elects to retire prior to
3 attaining the age of sixty-five and who has not had
4 ~~twenty five~~ twenty years of consecutive service, may
5 serve as a senior judge, but shall not be paid an
6 annuity pursuant to section 602.9204 until attaining
7 age sixty-five.

8 Sec. ____ Section 602.9107A, Code 2003, is

- 9 repealed.”
- 10 2. Title page, line 4, by striking the words
11 “system, and” and inserting the following: “system.”.
- 12 3. Title page, line 4, by inserting after the
13 words “retirement system,” the following: “and the
14 judicial retirement system.”.
- 15 4. By renumbering as necessary.

BRYAN J. SIEVERS
MAGGIE TINSMAN
JOE M. SENG

S-5273

- 1 Amend House File 2462, as amended, passed, and
2 reprinted by the House, as follows:
- 3 1. Page 1, by inserting after line 21 the
4 following:
- 5 “Sec. ____ CHILD IN NEED OF ASSISTANCE FAMILY CASE
6 STAFFING PILOT PROJECT. The department of human
7 services shall implement a child in need of assistance
8 family case staffing pilot project in at least two
9 counties. Under the pilot project, unless the
10 department determines that the pilot project approach
11 would not be in the child’s best interest, prior to a
12 child in need of assistance petition being filed, the
13 department shall conduct a full case staffing for the
14 child’s case. The staffing participants shall include
15 but are not limited to relevant treatment providers,
16 the child’s parents or guardians, and other persons
17 involved with the child. The purposes of the pilot
18 project are to divert selected child abuse and neglect
19 cases that may otherwise result in a child in need of
20 assistance adjudication, improve permanency for
21 children, promote family unification, and reduce state
22 expenditures associated with adjudication of child in
23 need of assistance cases.”
- 24 2. By renumbering as necessary.

KEITH A. KREIMAN

S-5274

- 1 Amend House File 2440, 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. 519A.14 GOOD LICENSED
6 HEALTH CARE PROVIDER DISCOUNT PLAN.
- 7 1. A licensed health care provider who is
8 successful in defending all medical malpractice cases
9 filed against the licensed health care provider for a

10 period of five years shall receive a twenty percent
 11 discounted rate from what the licensed health care
 12 provider would otherwise have been charged from the
 13 same coverage.

14 2. A licensed health care provider who is
 15 successful in defending all medical malpractice cases
 16 filed against the licensed health care provider for a
 17 period of ten years shall receive a forty percent
 18 discounted rate from what the licensed health care
 19 provider would otherwise have been charged from the
 20 same coverage.”

21 2. Title page, line 1, by striking the words
 22 “noneconomic damages against” and inserting the
 23 following: “damages against and related premiums
 24 charged to”.

WILLIAM A. DOTZLER, JR.
 JOE BOLKCOM
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 AMANDA RAGAN
 DARYL BEALL
 MICHAEL E. GRONSTAL
 HERMAN C. QUIRMBACH

S-5275

1 Amend House File 2440, 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. 507F.1 CONSUMER
 6 ADVOCATE ON INSURANCE — APPOINTMENT — POLITICAL
 7 ACTIVITY — REMOVAL.

8 1. The attorney general shall appoint a competent
 9 attorney to the office of consumer advocate on
 10 insurance. The appointment is subject to senate
 11 confirmation in accordance with section 2.32. The
 12 advocate’s term of office is for four years. The term
 13 begins and ends as set forth in section 69.19.

14 2. If a vacancy occurs in the office of consumer
 15 advocate on insurance, the vacancy shall be filled for
 16 the unexpired term in the same manner as an original
 17 appointment.

18 3. The consumer advocate on insurance shall devote
 19 the advocate’s entire time to the duties of the
 20 office. During the advocate’s term of office the
 21 advocate shall not be a member of a political
 22 committee, shall not contribute to a political
 23 campaign fund other than through the income tax

24 checkoff for contributions to the Iowa election
25 campaign fund and the presidential election campaign
26 fund, and shall not take part in political campaigns
27 or be a candidate for a political office.

28 4. The attorney general may remove the consumer
29 advocate on insurance for malfeasance or nonfeasance
30 in office, or for any cause which renders the advocate
31 ineligible for appointment, or incapable or unfit to
32 discharge the duties of the advocate's office. The
33 advocate's removal, when so made, is final.

34 5. The office of consumer advocate on insurance
35 shall be limited to regulating insurance markets in
36 Iowa deemed noncompetitive by the commissioner of
37 insurance.

38 Sec. 2. NEW SECTION. 507F.2 DUTIES.

39 The office of the consumer advocate on insurance
40 shall:

41 1. Adopt rules pursuant to chapter 17A and perform
42 other duties necessary to the administration of this
43 chapter.

44 2. Investigate the legality of all rates, charges,
45 rules, regulations, and practices of all persons
46 within the purview of the office of the consumer
47 advocate on insurance, and institute civil proceedings
48 before the insurance division or any court to correct
49 any illegality on the part of any person. In any
50 investigation, the person acting for the office of the

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1 consumer advocate on insurance shall have the power to
2 ask the commissioner of insurance to issue subpoenas,
3 compel the attendance and testimony of witnesses, and
4 the production of papers, books, and documents.

5 3. Make recommendations to the general assembly
6 regarding insurance regulation.

7 4. Make recommendations to the insurance division
8 or any other governmental agency which has an impact
9 on insurance regulation in the state through
10 rulemaking and review and, if the advocate deems it to
11 be in the public interest, appeal the rulemaking or
12 contested case decisions of the insurance division or
13 any other governmental agency which has an impact on
14 insurance regulation in the state.

15 5. Represent the interests of the public relating
16 to insurance reform, coverage, and rates where action
17 is necessary for the protection of public rights.

18 6. Institute judicial review of final or
19 interlocutory actions of the insurance division if the
20 review is deemed to be in the public interest.

21 7. Act as attorney for and represent all consumers
22 generally and the public generally in all proceedings

23 before the insurance division, federal and state
24 agencies, and related judicial review proceedings and
25 appeals.

26 8. Appear for all consumers generally and the
27 public generally in all actions instituted in any
28 state or federal court which involve the validity of a
29 rule, regulation, or order of the insurance division.

30 9. Appear and participate as a party in the name
31 of the office of consumer advocate on insurance in the
32 performance of the duties of the office.

33 Sec. 3. NEW SECTION. 507F.3 OFFICE — EMPLOYEES
34 — EXPENSES.

35 1. The office of the consumer advocate on
36 insurance shall be located within the office of the
37 attorney general. Administrative support services
38 shall be provided to the consumer advocate by the
39 office of the attorney general.

40 2. The consumer advocate on insurance may employ
41 attorneys, legal assistants, secretaries, clerks, and
42 other employees the consumer advocate on insurance
43 finds necessary for the full and efficient discharge
44 of the duties and responsibilities of the office. The
45 consumer advocate on insurance may employ consultants
46 as expert witnesses or technical advisors pursuant to
47 contract as the advocate finds necessary for the full
48 and efficient discharge of the duties of the office.
49 Employees of the consumer advocate on insurance, other
50 than the advocate, are subject to merit employment,

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1 except as provided in section 8A.412.

2 3. The salary of the consumer advocate on
3 insurance shall be fixed by the attorney general
4 within the salary range set by the general assembly.
5 The salaries of employees of the consumer advocate on
6 insurance is as provided by law. The appropriation
7 for the office of consumer advocate on insurance shall
8 be separate line item contained in the appropriation
9 from the general fund of the state to the department
10 of justice.

11 Sec. 4. NEW SECTION. 507F.4 INSURANCE DIVISION
12 RECORDS.

13 The consumer advocate on insurance has free access
14 to all the files, records, and documents in the office
15 of the insurance division except:

16 1. Personal information in confidential personnel
17 records of the insurance division.

18 2. Records which represent and constitute the work
19 product of the general counsel of the insurance
20 division where the records relate to a proceeding
21 before the division in which the consumer advocate on

22 insurance is a party or a proceeding in any state or
23 federal court in which both the division and the
24 consumer advocate on insurance are parties.
25 3. Insurer information of a confidential nature
26 which could jeopardize an insurer's competitive status
27 and is provided by an insurer to the division.
28 However, such information shall be provided to the
29 consumer advocate on insurance by the insurance
30 division, if the division determines it to be in the
31 public interest.

32 Sec. 5. NEW SECTION. 507F.5 SERVICE.

33 The consumer advocate on insurance is entitled to
34 service of all documents required by statute or rule
35 to be served on parties in proceedings before the
36 insurance division and all notices, petitions,
37 applications, complaints, answers, motions, and other
38 pleadings filed pursuant to statute or rule with the
39 division.

40 Sec. 6. NEW SECTION. 507F.6 CONSUMER ADVOCATE ON
41 INSURANCE ADVISORY COMMITTEE.

42 The attorney general shall appoint seven members to
43 a consumer advocate on insurance advisory committee to
44 meet at the request of the consumer advocate on
45 insurance for consultation regarding the protection of
46 public rights in insurance regulation. A member shall
47 be appointed from each congressional district with the
48 appointee residing within the district at the time of
49 the appointment. The remaining appointees shall be
50 members at large. Members shall be appointed which

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1 represent the various sectors or the population and
2 appointments shall be made in compliance with sections
3 69.16 and 69.16A. The members shall serve four-year
4 terms and their appointments are not subject to
5 confirmation by the senate. A vacancy shall be filled
6 in the same manner as the original appointment for the
7 unexpired portion of the member's term. Members of
8 the committee shall serve without compensation, but
9 shall be reimbursed for actual expenses from funds
10 appropriated to the office of the consumer advocate on
11 insurance.

12 Sec. 7. NEW SECTION. 519A.5A RATE INCREASES —
13 RIGHT OF REVIEW.

14 1. An insurer subject to this chapter as a member
15 of the association shall give written notice of a
16 proposed increase of any rate to an affected person
17 sixty days prior to the time an application for a rate
18 increase is filed with the commissioner. The notice
19 to the insured shall state that the insured has a
20 right to file a written objection to the rate increase

21 and that the insured may appeal to the commissioner
 22 within thirty days after the commissioner has approved
 23 a rate increase.

24 2. After the filing of an application for an
 25 increase of any rate by an insurer under subsection 1,
 26 the commissioner, prior to the expiration of thirty
 27 days after the filing date, shall docket the case as a
 28 formal proceeding and set the case for hearing.

29 3. If, after the hearing, the commissioner finds
 30 the proposed rate increase to be unlawful, the
 31 commissioner shall by order authorize and direct the
 32 insurer to file a new or changed rate which, when
 33 approved by the commissioner and placed in effect,
 34 will satisfy the requirements of this chapter and this
 35 title.

36 4. An order of the commissioner made pursuant to
 37 this section shall be subject to judicial review as
 38 provided in chapter 17A.

39 5. The commissioner shall adopt rules pursuant to
 40 chapter 17A to administer this section.

41 Sec. 8. NEW SECTION. 519A.14 INSURANCE RATE —
 42 ROLLBACK.

43 1. For any medical malpractice insurance policy
 44 underwritten by an insurer subject to this chapter
 45 issued or renewed on or after July 1, 2004, the
 46 insurer shall reduce its charges to levels which are
 47 twenty percent less than the charges for the same
 48 coverage which were in effect on July 1, 2003.

49 2. This section shall not apply to an affected
 50 insurer under this chapter who demonstrates on an

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1 actuarially sound basis that a reduction pursuant to
 2 subsection 1 would deny the affected insurer a fair
 3 return.

4 Sec. 9. NEW SECTION. 519A.15 NOTICE OF
 5 CANCELLATION AND NONRENEWAL — REASONS.

6 An insurer subject to this chapter shall not cancel
 7 or refuse to renew a policy of medical malpractice
 8 insurance issued individually underwritten by the
 9 insurer except by notice to the insured. Notice of
 10 cancellation or nonrenewal of a policy is not
 11 effective unless it is based on one or more of the
 12 following reasons:

13 1. Nonpayment of premium.

14 2. Fraud or misrepresentation affecting the policy
 15 or the presentation of a claim.

16 3. A determination by the commissioner that a
 17 continuation of a policy under this chapter would
 18 substantially increase the hazard insured against.”

19 2. Title page, line 1, by striking the words

20 “noneconomic damages against” and inserting the
 21 following: “damages against and medical malpractice
 22 insurance policies issued to”.

JOE BOLKCOM
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S-5276

HOUSE AMENDMENT TO
 SENATE FILE 2066

1 Amend Senate File 2066, as passed by the Senate, as
 2 follows:

3 1. Page 2, line 2, by striking the word “twelve-
 4 month” and inserting the following: “eighteen-month”
 5 2. Page 2, line 3, by striking the word and
 6 figure “June 30.” and inserting the following:
 7 “December 31.”

8 3. Page 2, by striking line 13, and inserting the
 9 following: “January 1, 2006.”

10 4. Page 2, by striking line 21 and inserting the
 11 following:

12 “Sec. __. EDUCATION PROGRAMS AND COMPLIANCE
 13 ASSISTANCE.

14 1. The state department of transportation, in”.

15 5. Page 2, by inserting after line 25 the
 16 following:

17 “2. The state department of transportation and the
 18 department of public safety shall make every
 19 reasonable effort to identify existing programs
 20 administered by state and local government agencies
 21 that provide assistance to low-income families and to
 22 coordinate efforts with those agencies to assist Iowa
 23 parents, including but not limited to parents with
 24 more than three children under age eleven, to comply
 25 with the requirements of this Act. This subsection is
 26 contingent upon the availability of funds to cover the
 27 costs associated with its implementation.”

28 6. By renumbering as necessary.

S-5277HOUSE AMENDMENT TO
SENATE FILE 2183

- 1 Amend Senate File 2183, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, by striking lines 29 and 30.
 4 2. Page 2, by striking lines 3 through 22.
 5 3. Page 2, by striking lines 24 through 32 and
 6 inserting the following:
 7 "An individual who is the beneficiary of a
 8 qualified long-term care insurance policy approved by
 9 the insurance division is eligible for assistance
 10 under the medical assistance program using the asset
 11 disregard provisions pursuant to section 249J.6."
 12 4. Page 3, lines 29 and 30, by striking the words
 13 "for individuals up to seventy-two years of age".
 14 5. Page 4, line 12, by striking the words "for
 15 individuals up to seventy-two years of age".
 16 6. By renumbering as necessary.

S-5278HOUSE AMENDMENT TO
SENATE FILE 2213

- 1 Amend Senate File 2213, 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 481A.134, Code 2003, is
 6 amended to read as follows:
 7 481A.134 AUTHORITY TO ~~CANCEL~~, SUSPEND, OR REVOKE
 8 LICENSE — POINT SYSTEM.
 9 The department shall establish rules pursuant to
 10 chapter 17A providing for the suspension or revocation
 11 of licenses issued by the department. The rules may
 12 include procedures for summary cancellation of a
 13 license based on documentation that the licensee
 14 failed to pay the applicable fee for the license. For
 15 purposes of determining when to suspend or revoke a
 16 license issued by the department under this section,
 17 the department shall adopt a point system pursuant to
 18 chapter 17A for the purpose of weighing the
 19 seriousness of violations of the provisions of this
 20 chapter or chapter 481B, 482, 483A, 484A, or 484B.
 21 The weighted scale may be amended from time to time as
 22 experience dictates."
 23 2. Title page, line 1, by striking the word
 24 "revocation" and inserting the following:
 25 "cancellation".

S-5279

- 1 Amend the House amendment, S-5239, to Senate File
2 2179, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, line 13, by inserting after the word
5 “~~body~~” the following: “shall be recorded on the
6 legislative internet website or copies of the personal
7 financial disclosure statements”.

MARK ZIEMAN

S-5280

- 1 Amend Senate Concurrent Resolution 113 as follows:
2 1. Page 2, lines 11 and 12, by striking the words
3 “the future” and inserting the following: “those who
4 follow”.

MIKE CONNOLLY
MARY LUNDBY**S-5281**

- 1 Amend House File 2434, as passed by the House, as
2 follows:
3 1. Page 16, line 23, by striking the word
4 “twenty-seven” and inserting the following: “fifty-
5 nine”.
6 2. Page 17, by striking lines 22 through 29.
7 3. Page 17, line 30, by striking the word “g”
8 and inserting the following: “f”
9 4. Page 17, line 31, by striking the word ““e””
10 and inserting the following: ““e””.

RON WIECK

S-5282

- 1 Amend House File 2552, as passed by the House, as
2 follows:
3 1. Page 3, by striking line 6 and inserting the
4 following: “registration plates. The rules shall
5 specify that the plate and emblem shall not have a
6 design or message containing any sexual connotation
7 and shall not be vulgar, prejudiced, hostile,
8 insulting, controversial, politically inflammatory or
9 divisive, or racially or ethnically degrading.
10 The rules shall include provisions for”.

MATT W. McCOY

S-5283

1 Amend House File 2553, as passed by the House, as
2 follows:

3 1. Page 6, line 14, by inserting after the word
4 “program.” the following: “The compensation fee
5 structure associated with the additional educational
6 savings plan option shall not be higher than the fee
7 structure currently offered through the office of the
8 treasurer of state in connection with the Iowa
9 educational savings plan trust.”

MIKE CONNOLLY

S-5284

1 Amend House File 2484, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 39, by inserting after line 27 the
4 following:

5 “DIVISION ____

6 REAL PROPERTY FINANCIAL LIABILITY

7 Sec. ____ NEW SECTION. 455B.751 DEFINITIONS.

8 As used in this division, unless the context
9 otherwise requires:

10 1. “Acquired” means purchased, leased, obtained by
11 inheritance or descent and distribution, or obtained
12 by foreclosure sale under chapter 654, nonjudicial
13 voluntary foreclosure under section 654.18, deed in
14 lieu of foreclosure under section 654.19, foreclosure
15 without redemption under section 654.20, or
16 nonjudicial foreclosure of nonagriculture mortgages
17 under chapter 655A.

18 2. “Hazardous substance” means the same as defined
19 in section 455B.381 or 455B.411.

20 3. “Hazardous waste” means the same as defined in
21 section 455B.411.

22 4. “Potentially responsible party” means a person
23 whose acts or omissions were a proximate cause of the
24 contamination of the acquired property, or a person
25 whose negligent acts or omissions are a proximate
26 cause of injury or damages resulting from exposure to
27 such contamination. Injury or damages to persons or
28 property arising by reason of contamination that
29 migrates from the acquired property shall not be
30 deemed to be caused by an act or omission of the
31 person that acquired the property, except to the
32 extent that the act or omission of such person
33 exacerbated the release of such contamination.

34 5. “Regulated substance” means the same as defined
35 in section 455B.471.

36 6. “Response action” means any action taken to

37 reduce, minimize, eliminate, clean up, control,
38 assess, or monitor a release of hazardous substances,
39 hazardous waste, or regulated substances to protect
40 the public health, safety, or the environment.

41 7. "Third party" means any person other than a
42 person that holds indicia of title to property as
43 identified in section 455B.752, subsection 1, or that
44 has acquired property as identified in section
45 455B.752, subsection 2.

46 8. "Third-party liability" means any liability or
47 obligation, other than contractual obligations that
48 specifically waive all or part of the immunity
49 provided by section 455B.752, arising out of or
50 resulting from contamination of property by a

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1 hazardous substance, hazardous waste, or a regulated
2 substance, including without limitation, claims for
3 illness, personal injury, death, consequential
4 damages, exemplary damages, lost profits, trespass,
5 loss of use of property, loss of rental value,
6 reduction in property value, property damages, or
7 statutory or common law nuisance.

8 Sec. ____ NEW SECTION. 455B.752 IMMUNITY FROM
9 THIRD-PARTY LIABILITY.

10 A person that holds indicia of ownership of
11 property contaminated by a hazardous substance,
12 hazardous waste, or regulated substance, and that
13 satisfies all of the conditions provided in section
14 455B.381, subsection 7, paragraphs "a", "b", and "c",
15 or section 455B.471, subsection 6, paragraph "b",
16 subparagraphs (1), (2), and (3), or a person that has
17 acquired property contaminated by a hazardous
18 substance, hazardous waste, or regulated substance,
19 shall not be liable to any third party for any third-
20 party liability arising from such contamination
21 provided that all of the following apply:

22 1. The person does not knowingly cause or permit a
23 new or additional hazardous substance, hazardous
24 waste, or regulated substance to arise on or from the
25 acquired property that injures a third party or
26 contaminates property owned or leased by a third
27 party.

28 2. The person is not a potentially responsible
29 party or affiliated with any potentially responsible
30 party by reason of any of the following:

31 a. Any direct or indirect familial relationship.

32 b. Any contractual, corporate, or financial
33 relationship, other than a contractual, corporate, or
34 financial relationship that is created by the
35 instruments by which title to the property is conveyed

36 or financed or by a contract for the sale of goods or
37 services.

38 c. A reorganization of a business entity that is
39 or was a potentially responsible party.

40 Sec. ____ NEW SECTION. 455B.753 ACCESS TO
41 PROPERTY.

42 A person that holds indicia of title to property or
43 a person that has acquired property as identified in
44 section 455B.752, shall provide reasonable access to
45 the acquired property to any potentially responsible
46 party or to any authorized regulatory authority for
47 the purpose of investigating or evaluating any
48 contamination, planning, or preparing a remedial plan
49 for any abatement of the contamination, and for any
50 required remediation.

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1 Sec. ____ NEW SECTION. 455B.754 LEGAL
2 RESPONSIBILITY.

3 This division shall not be interpreted to affect
4 the legal responsibility to the state to conduct
5 response actions under any applicable state law. This
6 division shall not be interpreted to affect or provide
7 immunity from any criminal liability.

8 Sec. ____ EFFECTIVE DATE. This division of this
9 Act, being deemed of immediate importance, takes
10 effect upon enactment.”

11 2. Title page, line 1, by striking the word
12 “institutions” and inserting the following: “and real
13 property institutions and assets”.

14 3. Title page, by striking lines 2 and 3 and
15 inserting the following: “including banks, credit
16 unions, real property loan lenders, and real property
17 financial liability.”

18 4. By renumbering, redesignating, and correcting
19 internal references as necessary.

JULIE M. HOSCH

S-5285

1 Amend House File 2481, as passed by the House, as
2 follows:

3 1. Page 1, line 3 by striking the word “The” and
4 inserting the following: “The Unless the child’s
5 guardian ad litem objects, the”.

KEITH A. KREIMAN

S-5286

- 1 Amend House File 2481, as passed by the House, as
2 follows:
- 3 1. Page 1, by inserting before line 1 the
4 following:
- 5 "Section 1. Section 232.103, subsection 3, Code
6 Supplement 2003, is amended to read as follows:
- 7 3. ~~A change in the level of care for a child who~~
8 ~~is subject to a dispositional order for out of home~~
9 ~~placement requires modification of the dispositional~~
10 ~~order.~~ A hearing shall be held on a motion to
11 terminate or modify a dispositional order except that
12 a hearing on a motion to terminate an order may be
13 waived upon agreement by all parties. Reasonable
14 notice of the hearing shall be given to the parties.
15 The hearing shall be conducted in accordance with the
16 provisions of section 232.50."
- 17 2. By renumbering as necessary.

JACK HOLVECK

S-5287

- 1 Amend Senate File 2229 as follows:
- 2 1. By striking everything after the enacting
3 clause and inserting the following:
- 4 "Section 1. **NEW SECTION.** 505.25 PRESCRIPTION
5 DRUG ASSISTANCE PROGRAM.
- 6 1. The commissioner of insurance shall establish
7 and administer a prescription drug assistance program
8 to improve access to prescription drugs for
9 individuals who have no or inadequate health insurance
10 or other resources for the purchase of medically
11 necessary prescription drugs and to assist individuals
12 in accessing programs offered by pharmaceutical
13 manufacturers that provide free or discounted
14 prescription drugs or provide coverage for
15 prescription drugs.
- 16 2. The commissioner of insurance shall utilize
17 computer software programs to do all of the following:
- 18 a. Provide a clearinghouse to assist individuals
19 in accessing manufacturer-sponsored prescription drug
20 assistance programs for which they may be eligible,
21 including listing the eligibility requirements for
22 pharmaceutical assistance programs offered by
23 manufacturers.
- 24 b. Disseminate information about and assist
25 individuals in assessing pharmaceutical discount or
26 insurance programs that may be beneficial.
- 27 c. Serve as a resource for pharmaceutical benefit
28 issues.

29 d. Assist individuals in making application to and
30 enrolling in the pharmaceutical assistance program
31 most appropriate for the individual.
32 e. Maintain a listing of community-based pharmacy
33 assistance programs for additional assistance.
34 3. The commissioner of insurance shall provide
35 information to pharmacies, physicians, other
36 appropriate health care providers, and the general
37 public regarding the program and about manufacturer-
38 sponsored prescription drug assistance programs.
39 4. The commissioner of insurance shall notify
40 pharmaceutical manufacturers doing business in this
41 state of the prescription drug assistance program, and
42 every pharmaceutical manufacturer that does business
43 in this state that offers a pharmaceutical assistance
44 program shall notify the commissioner of the existence
45 of the program, the prescription drugs covered by the
46 program, and all information necessary for application
47 for assistance through the program. The commissioner
48 of insurance shall provide for ongoing review and
49 assessment of pharmaceutical discount or insurance
50 programs.

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1 5. The commissioner of insurance shall monitor and
2 evaluate the prescription drug assistance program
3 including but not limited to the number of individuals
4 served, the length and types of services provided, and
5 any other measurable data available to assess the
6 effectiveness of the program. The commissioner shall
7 make recommendations for improvement of the program
8 and shall identify and make recommendations regarding
9 additional strategies to improve access to
10 prescription drugs for citizens who have no or
11 inadequate health insurance or other resources for the
12 purchase of prescription drugs.
13 6. The commissioner of insurance shall submit a
14 report regarding the effectiveness of the program and
15 including any recommendations for improvement of the
16 program to the governor and the general assembly on or
17 before December 15, annually.

18 **Sec. 2. PRESCRIPTION DRUG ASSISTANCE PROGRAM —**
19 **FUNDING — CONTINGENT APPROPRIATION.**

20 1. The commissioner of insurance shall seek
21 federal funding to establish and administer the
22 prescription drug assistance program pursuant to
23 section 505.25.
24 2. If federal funding is not received pursuant to
25 subsection 1 before October 1, 2004, as certified by
26 the commissioner of insurance, there is appropriated
27 from the senior living trust fund created in section

28 249H.4 to the insurance division of the department of
 29 commerce beginning October 1, 2004, and ending June
 30 30, 2005, the following amount, or so much thereof as
 31 is necessary, to be used for the purpose designated:
 32 For the establishment and administration of the
 33 prescription drug assistance program pursuant to
 34 section 505.25:
 35 \$ 250,000”

NEAL SCHUERER

S-5288

1 Amend House File 2552, as passed by the House, as
 2 follows:
 3 1. Page 4, by inserting after line 21 the
 4 following:
 5 “Sec. ____ Section 321.115, subsection 1, Code
 6 2003, is amended to read as follows:
 7 1. A motor vehicle twenty-five years old or older,
 8 whose owner desires to use the motor vehicle
 9 exclusively for exhibition or educational purposes at
 10 state or county fairs, ~~or at~~ other places where the
 11 motor vehicle may be exhibited for entertainment or
 12 educational purposes, or for other occasional use,
 13 shall be given a registration for a registration fee
 14 of five dollars per annum permitting the driving of
 15 the motor vehicle upon the public roads to and from
 16 state and county fairs or other places of
 17 entertainment or education for exhibition or
 18 educational purposes, ~~and~~ to and from service stations
 19 for the purpose of receiving necessary maintenance, or
 20 for other occasional use.”
 21 2. Title page, line 1, by inserting after the
 22 word “to” the following: “motor vehicle registration,
 23 providing for”.
 24 3. By renumbering as necessary.

WALLY E. HORN

S-5289

1 Amend the amendment, S-5238, to House File 2552, as
 2 passed by the House, as follows:
 3 1. Page 1, by inserting after line 28 the
 4 following:
 5 “____ Page 2, by inserting before line 10 the
 6 following:
 7 “Sec. ____ Section 321.34, subsection 11,
 8 paragraphs c and d, Code Supplement 2003, are amended
 9 to read as follows:
 10 c. The special natural resources fee for letter

11 number designated natural resources plates is ~~thirty-~~
 12 ~~five forty-five~~ dollars. The fee for personalized
 13 natural resources plates is forty-five dollars which
 14 shall be paid in addition to the special natural
 15 resources fee of ~~thirty-five forty-five~~ dollars. The
 16 fees collected by the director under this subsection
 17 shall be paid monthly to the treasurer of state and
 18 credited to the road use tax fund. Notwithstanding
 19 section 423.24, and prior to the crediting of revenues
 20 to the road use tax fund under section 423.24,
 21 subsection 1, paragraph "b", the treasurer of state
 22 shall credit monthly from those revenues to the Iowa
 23 resources enhancement and protection fund created
 24 pursuant to section 455A.18, the amount of the special
 25 natural resources fees collected in the previous month
 26 for the natural resources plates.

27 From the moneys credited to the Iowa resources
 28 enhancement and protection fund under this paragraph
 29 "c", ten dollars of the fee collected for each natural
 30 resources plate issued, and fifteen dollars from each
 31 renewal fee, shall be allocated to the department of
 32 natural resources wildlife bureau to be used for
 33 nongame wildlife programs.

34 d. Upon receipt of the special registration
 35 plates, the applicant shall surrender the current
 36 registration receipt and plates to the county
 37 treasurer. The county treasurer shall validate the
 38 special registration plates in the same manner as
 39 regular registration plates are validated under this
 40 section. The annual special natural resources fee for
 41 letter number designated plates is ~~ten~~ twenty-five
 42 dollars which shall be paid in addition to the regular
 43 annual registration fee. The annual fee for
 44 personalized natural resources plates is five dollars
 45 which shall be paid in addition to the annual special
 46 natural resources fee and the regular annual
 47 registration fee. The annual special natural
 48 resources fee shall be credited as provided under
 49 paragraph "c".

50 _____. Page 4, line 20, by striking the figure

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1 "11,".

2 _____. Page 4, by inserting after line 21 the
 3 following:

4 "Sec. _____. Section 321.34, subsection 11, Code
 5 Supplement 2003, as amended in this Act, is amended by
 6 striking the subsection.""

7 2. Page 1, by striking lines 29 through 38 and
 8 inserting the following:

9 "_____. Page 5, by striking lines 1 through 4 and

10 inserting the following:

11 “Sec. ____ EFFECTIVE DATES AND APPLICABILITY
12 PROVISIONS.

13 1. Except as provided in subsections 3 and 4, this
14 Act, being deemed of immediate importance, takes
15 effect upon enactment and applies retroactively to
16 special registration plates authorized on or after
17 March 1, 2004.

18 2. The section of this Act amending section”.

19 3. Page 1, line 47, by striking the figure “10.”
20 and inserting the following: “10.”

21 4. Page 1, by inserting after line 47 the
22 following:

23 “3. The section of this Act amending section
24 321.34, subsection 11, paragraphs “c” and “d”, takes
25 effect January 1, 2005.

26 4. The section of this Act striking section
27 321.34, subsection 11, takes effect July 1, 2005.
28 Notwithstanding section 321.34, subsection 13,
29 paragraph “c”, as amended in this Act, the state
30 department of transportation shall continue to issue
31 the special natural resources registration plate after
32 July 1, 2005, upon payment of the fees established for
33 the plate in this Act, unless an adjustment is
34 requested by the department of natural resources.”
35 5. By renumbering, redesignating, and correcting
36 internal references as necessary.

MARY LUNDBY

S-5290

1 Amend House File 2481, as passed by the House, as
2 follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 “Section 1. Section 232.103, subsection 3, Code
6 Supplement 2003, is amended to read as follows:

7 3. A change in the level of care for a child who
8 is subject to a dispositional order for out-of-home
9 placement requires modification of the dispositional
10 order. A hearing shall be held on a motion to
11 terminate or modify a dispositional order except that
12 a hearing on a motion to terminate or modify an order
13 may be waived upon agreement by all parties.
14 Reasonable notice of the hearing shall be given to the
15 parties. The hearing shall be conducted in accordance
16 with the provisions of section 232.50.”

17 2. By renumbering as necessary.

JACK HOLVECK

S-5291HOUSE AMENDMENT TO
SENATE FILE 2279

- 1 Amend Senate File 2279, as amended, passed, and
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 8, by inserting after the word
4 "petition," the following: "A petition requesting
5 establishment of a satellite absentee voting station
6 shall also list the precincts for which the
7 commissioner is to provide ballots at the satellite
8 absentee voting station."
 - 9 2. Page 1, line 28, by striking the word "six"
10 and inserting the following: "~~six~~ four".
 - 11 3. Title page, line 1, by striking the words
12 "requirements for establishing" and inserting the
13 following: "and operating hour requirements for".
 - 14 4. By renumbering, relettering, or redesignating
15 and correcting internal references as necessary.

S-5292HOUSE AMENDMENT TO
SENATE FILE 2269

- 1 Amend Senate File 2269, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 5, by inserting after the word
4 "voter," the following: "an absentee ballot
5 courier,".
 - 6 2. Page 1, line 12, by inserting after the word
7 "voter," the following: "an absentee ballot
8 courier,".
 - 9 3. Page 13, by inserting after line 8, the
10 following:
11 "Sec. ____ Section 52.1, subsection 2, paragraph
12 h, Code 2003, is amended to read as follows:
13 h. "Voting machine" means a mechanical or
14 electronic device, meeting the requirements of section
15 52.7, designated for use in casting, registering,
16 recording, and counting votes at an election. "Voting
17 machine" includes, but is not limited to, direct
18 recording electronic devices."
 - 19 4. Page 13, by inserting after line 19, the
20 following:
21 "Sec. ____ Section 52.5, unnumbered paragraph 2,
22 Code 2003, is amended to read as follows:
23 The state commissioner shall formulate, with the
24 advice and assistance of the examiners, and adopt
25 rules governing the testing and examination of any

26 voting machine or electronic voting system by the
27 board of examiners. The rules shall prescribe the
28 method to be used in determining whether the machine
29 or system is suitable for use within the state and
30 performance standards for voting equipment in use
31 within the state. The rules shall provide that all
32 electronic voting systems and voting machines approved
33 for use by the examiners after April 9, 2003, shall
34 meet voting systems performance and test standards, as
35 adopted by the federal election commission on April
36 30, 2002, and as deemed adopted by Pub. L. No. 107-
37 252, section 222. The rules shall include standards
38 for determining when recertification is necessary
39 following modifications to the equipment or to the
40 programs used in tabulating votes, and a procedure for
41 rescinding certification if a system or machine is
42 found not to comply with performance standards adopted
43 by the state commissioner.
44 Sec. ____ Section 52.7, unnumbered paragraphs 2
45 and 4, Code 2003, are amended to read as follows:
46 It must also be so constructed as to prevent voting
47 for more than one person for the same office, except
48 where the voter is lawfully entitled to vote for more
49 than one person for that office; and it must afford
50 the voter an opportunity to vote for any or all

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1 persons for that office as the voter is by law
2 entitled to vote for and no more, at the same time
3 preventing the voter from voting for the same person
4 twice. The voting machine must be so constructed as
5 to provide the voter with an opportunity to change a
6 vote before the ballot is recorded and counted.
7 Such machine shall be so constructed as to
8 accurately account for every vote cast upon it. The
9 machine shall be so constructed as to remove
10 information from the ballot identifying the voter
11 before the ballot is recorded and counted. If the
12 machine is a direct electronic recording device, the
13 machine shall be so constructed as to store each
14 ballot cast separate from the ballot tabulation
15 function, which ballot may be reproduced on paper in
16 the case of a recount, manual audit, or machine
17 malfuction.”
18 5. Page 16, line 4, by inserting after the word
19 “day.” the following: “The statement shall also point
20 out that it is possible for an absentee ballot courier
21 to personally deliver the completed absentee ballot to
22 the office of the commissioner by five p.m. on
23 election day.”
24 6. Page 16, by striking lines 5 through 23 and

25 inserting the following:

26 “Sec. ____ Section 53.17, Code 2003, is amended to
27 read as follows:

28 53.17 MAILING OR DELIVERING BALLOT.

29 1. The sealed envelope containing the absentee
30 ballot shall be enclosed in a carrier envelope which
31 shall be securely sealed. The sealed carrier envelope
32 shall be returned to the commissioner by one of the
33 following methods:

34 ~~1. a.~~ The sealed carrier envelope may be delivered
35 by the registered voter, by the special precinct
36 election officials designated pursuant to section
37 53.22, subsection 1, or by the voter’s designee if the
38 absentee ballot is voted by a voter described in
39 section 53.22, subsection 5, to the commissioner’s
40 office no later than the time the polls are closed on
41 election day, except as otherwise provided in
42 subsection 4.

43 ~~2. b.~~ The sealed carrier envelope may be mailed to
44 the commissioner by the registered voter, by an
45 immediate family member of the voter, or by the
46 voter’s designee if the ballot is voted by a voter
47 described in section 53.22, subsection 5. ~~The carrier~~
48 ~~envelope shall indicate that greater postage than~~
49 ~~ordinary first class mail may be required. The~~
50 ~~commissioner shall pay any insufficient postage due on~~

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1 ~~a carrier envelope bearing ordinary first class~~
2 ~~postage and accept the ballot.~~

3 c. The sealed carrier envelope may be delivered to
4 the commissioner by an absentee ballot courier, but
5 only as provided in subsection 4.

6 2. In order for the ballot to be counted, the
7 carrier envelope must be received in the
8 commissioner’s office before the polls close on
9 election day or be clearly postmarked by an officially
10 authorized postal service not later than the day
11 before the election and received by the commissioner
12 not later than noon on the Monday following the
13 election.

14 3. If the law authorizing the election specifies
15 that the supervisors canvass the votes earlier than
16 the Monday following the election, absentee ballots
17 returned through the mail must be received not later
18 than the time established for the canvass by the board
19 of supervisors for that election. The commissioner
20 shall contact the post office serving the
21 commissioner’s office at the latest practicable hour
22 before the canvass by the board of supervisors for
23 that election, and shall arrange for absentee ballots

24 received in that post office but not yet delivered to
25 the commissioner's office to be brought to the
26 commissioner's office before the canvass for that
27 election by the board of supervisors.

28 4. a. A person who acts as an actual or implied
29 agent of a political party, candidate, or committee,
30 as defined by chapter 68A, shall register with the
31 commissioner as an absentee ballot courier in order to
32 deliver completed absentee ballots to the
33 commissioner. A candidate whose name is on the ballot
34 or an elected official shall not be allowed to
35 register as an absentee ballot courier.

36 b. The registration shall include the courier's
37 name and address and the best means for contacting the
38 person or the political party, candidate, or committee
39 for which the person is acting as an actual or implied
40 agent. An absentee ballot courier must register with
41 the commissioner prior to each election for which the
42 person will be delivering completed absentee ballots
43 to the commissioner. For each election, the
44 commissioner shall maintain a list of all persons who
45 have registered as absentee ballot couriers.

46 c. A person wishing to register as an absentee
47 ballot courier must complete a training course in the
48 laws, procedures, and penalties related to handling
49 completed absentee ballots. The training course shall
50 be conducted by the commissioner; the commissioner's

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1 designee; or, in the case of partisan elections, by
2 the respective county central committees. The
3 curriculum for the training course shall be
4 established by the state commissioner by rule adopted
5 pursuant to chapter 17A.

6 d. When an absentee ballot courier retrieves a
7 completed absentee ballot from a voter, the courier
8 shall fill out a receipt to be retained by the voter.
9 The state commissioner shall prescribe a form for
10 receipts required by this subsection. The receipt
11 shall include all of the following:

12 (1) The name of the courier.

13 (2) The date and time the voted absentee ballot
14 was received from the voter.

15 (3) The name and date of the election for which
16 the absentee ballot is being voted.

17 (4) The name of the political party, candidate, or
18 committee for which the courier is acting as an actual
19 or implied agent.

20 (5) A statement that the completed absentee ballot
21 will be delivered to the commissioner's office within
22 seventy-two hours or by five p.m. on election day.

23 whichever is sooner.
 24 e. An absentee ballot courier shall submit a cover
 25 sheet listing the names of persons whose ballots are
 26 being delivered each time the courier delivers ballots
 27 to the commissioner's office.
 28 f. A violation of any part of this subsection is
 29 election misconduct in the first degree, pursuant to
 30 section 39A.2, subsection 1, paragraph "b",
 31 subparagraph (1).
 32 5. For purposes of this section, "immediate family
 33 member" means the spouse, adult child or stepchild,
 34 adult grandchild, parent or stepparent, grandparent,
 35 or adult sibling of the voter."
 36 7. Title page, line 3, by inserting after the
 37 word "practice," the following: "making changes
 38 related to voting machines,".
 39 8. By renumbering, relettering, or redesignating
 40 and correcting internal references as necessary.

S-5293

HOUSE AMENDMENT TO SENATE FILE 443

1 Amend Senate File 443, as passed by the Senate, as
 2 follows:
 3 1. Page 1, by striking line 1 and inserting the
 4 following:
 5 "Section 1. Section 15E.42, subsection 3, Code
 6 Supplement 2003, is amended to read as follows:
 7 3. "Investor" means ~~an individual~~ a person making
 8 a cash investment in a qualifying business or ~~an~~
 9 ~~individual taxed on income from a revocable trust's~~
 10 ~~each investment in a qualifying business or a person~~
 11 ~~making a cash investment~~ in a community-based seed
 12 capital fund. "Investor" does not include a person
 13 ~~which is a current or previous~~ that holds at least a
 14 seventy percent ownership interest as an owner,
 15 member, or shareholder in a qualifying business.
 16 Sec. 2. Section 15E.43, subsection 1, paragraphs a
 17 and b, Code Supplement 2003, are amended to read as
 18 follows:
 19 a. ~~For tax years beginning on or after January 1,~~
 20 ~~2002, a tax credit shall be allowed against the taxes~~
 21 ~~imposed in chapter 422, division II, for a portion of~~
 22 ~~an individual taxpayer's equity investment, as~~
 23 ~~provided in subsection 2, in a qualifying business.~~
 24 ~~An individual shall not claim a tax credit under this~~
 25 ~~paragraph of a partnership, limited liability company,~~
 26 ~~S corporation, estate, or trust electing to have~~
 27 ~~income taxed directly to the individual. However, an~~
 28 ~~individual receiving income from a revocable trust's~~

29 ~~investment in a qualified business may claim a tax~~
30 ~~credit under this paragraph against the taxes imposed~~
31 ~~in chapter 422, division II, for a portion of the~~
32 ~~revocable trust's equity investment, as provided in~~
33 ~~subsection 2, in a qualified business.~~

34 b. For tax years beginning on or after January 1,
35 2002, a tax credit shall be allowed against the taxes
36 imposed in chapter 422, divisions II, III, and V, and
37 in chapter 432, and against the moneys and credits tax
38 imposed in section 533.24, for a portion of a
39 taxpayer's equity investment, as provided in
40 subsection 2, in a qualifying business or a community-
41 based seed capital fund. An individual may claim a
42 tax credit under this paragraph of a partnership,
43 limited liability company, S corporation, estate, or
44 trust electing to have income taxed directly to the
45 individual. The amount claimed by the individual
46 shall be based upon the pro rata share of the
47 individual's earnings from the partnership, limited
48 liability company, S corporation, estate, or trust.

49 Sec. 3. Section 15E.44, subsection 4, Code
50 Supplement 2003, is amended to read as follows:

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1 4. After verifying the eligibility of a qualifying
2 business, the board shall issue a tax credit
3 certificate to be attached to the equity investor's
4 tax return. The tax credit certificate shall contain
5 the taxpayer's name, address, tax identification
6 number, the amount of credit, the name of the
7 qualifying business, and other information required by
8 the department of revenue. The tax credit
9 certificate, unless rescinded by the board, shall be
10 accepted by the department of revenue as payment for
11 taxes imposed pursuant to chapter 422, ~~division~~
12 divisions II, III, and V, and in chapter 432, and for
13 the moneys and credits tax imposed in section 533.24,
14 subject to any conditions or restrictions placed by
15 the board upon the face of the tax credit certificate
16 and subject to the limitations of section 15E.43.

17 Sec. 4. Section 15E.51, subsection 4, Code
18 Supplement 2003, is amended to read as follows:

19 4. A taxpayer shall not claim a tax credit under
20 this section if the taxpayer is a venture capital
21 investment fund allocation manager for the Iowa fund
22 of funds created in section 15E.65 or an investor that
23 receives a tax credit for the same investment in a
24 qualifying business as described in section 15E.44 or
25 in a community-based seed capital fund as described in
26 section 15E.45.

27 Sec. 5. Section 15E.45, subsection 2, paragraph b,

28 Code”.

29 2. Page 1, by striking line 13 and inserting the
30 following:

31 “Sec. ____ APPLICABILITY DATES.

32 1. Sections 1 through 4 of this Act apply
33 retroactively to January 1, 2004, for tax years
34 beginning on or after that date.

35 2. Section 5 of this Act applies”.

36 3. Title page, line 2, by striking the words “a
37 retroactive applicability date” and inserting the
38 following: “retroactive applicability dates”.

S-5294

1 Amend House File 2552, as passed by the House, as
2 follows:

3 1. Page 3, by striking line 6 and inserting the
4 following: “registration plates. The rules shall
5 specify that the plate and emblem shall not have a
6 design or message containing any sexual connotation
7 and shall not be vulgar, prejudiced, hostile,
8 insulting, or politically inflammatory.
9 The rules shall include provisions for”.

MATT W. McCOY

S-5295

1 Amend Senate Resolution 123 as follows:

2 1. By striking page 1, line 4 through page 3,
3 line 1 and inserting the following:

4 “A Resolution requesting the Legislative Council to
5 create a learning technology commission
6 to examine options for integrating technology into
7 the classroom to prepare students for an economy
8 that is increasingly dependent on technology and
9 innovation.

10 WHEREAS, the Senate finds that technology has a key
11 role in revolutionizing the state’s education system,
12 and the integration of technology into the school
13 curriculum can motivate and assist students to achieve
14 at high levels and prepare them to become the
15 knowledge workers of the 21st Century workforce by
16 providing them with the skills necessary to compete in
17 the global market; and

18 WHEREAS, many Iowa schools are implementing
19 technology projects and updating technology in their
20 classrooms, including projects involving distance
21 learning, virtual learning, and laptop computers in
22 the classroom; and

23 WHEREAS, technology offers this state a significant
24 opportunity to improve the performance of its schools

25 and to promote a wide range of high-quality
26 educational options utilizing technology for children
27 enrolled in the schools of this state; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Legislative
29 Council is requested to create a learning technology
30 commission, to be charged with developing a learning
31 technology plan to achieve the goal of preparing
32 students for an economy that is increasingly dependent
33 on technology and innovation. The commission shall
34 examine the use of technology in Iowa's and the
35 nation's elementary and secondary classrooms; and
36 BE IT FURTHER RESOLVED, That the plan developed by
37 the commission shall include, but not be limited to,
38 the following:
39 1. The costs and benefits of each component of the
40 plan.
41 2. The professional development needed to
42 integrate learning technology into classroom
43 technology.
44 3. Strategies for implementation of the plan,
45 including, at a minimum, phasing in the plan over a
46 term of years.
47 4. Strategies that coordinate the learning
48 technology in kindergarten through grade twelve with
49 the initiatives and resources of the department of
50 education, Iowa communications network, area education

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1 agencies, higher education institutions providing
2 approved practitioner preparation programs, and other
3 accredited postsecondary institutions in the state.
4 5. Procedures for data tracking and assessment of
5 the progress in implementing the goals of the
6 initiative and the plan.
7 6. Strategies to establish a public-private
8 partnership between state government and a private
9 sector business having relevant knowledge and
10 experience; and
11 BE IT FURTHER RESOLVED, That the plan shall be
12 consistent with the following guiding principles:
13 1. EQUITY. The plan shall promote equal
14 opportunity for and provide meaningful access to
15 wireless and other learning technology resources for
16 all Iowa students regardless of geographic location or
17 economic means.
18 2. INTEGRATION WITH THE STUDENT ACHIEVEMENT AND
19 TEACHER QUALITY PROGRAM ESTABLISHED IN CHAPTER 284.
20 The plan shall support student achievement through the
21 integration of learning technologies that are content-
22 focused and that add value to existing instructional
23 methods.

24 3. SUSTAINABILITY. The plan shall provide for the
 25 future sustainability of learning technology resources
 26 by adapting to future educational needs and
 27 technological changes.

28 4. TEACHER PREPARATION AND PROFESSIONAL
 29 DEVELOPMENT. The plan shall provide professional
 30 development and training programs for administrators,
 31 teachers and other educators in the use and
 32 integration of learning technology tools in curriculum
 33 development, instructional methods, and student
 34 assessment systems.

35 5. ECONOMIC DEVELOPMENT. The plan shall foster
 36 economic development across all regions of the state
 37 and the preparation of students for an economy that
 38 embraces technology and innovation; and

39 BE IT FURTHER RESOLVED, That the commission shall
 40 be appointed no later than July 1, 2004.

41 1. The commission membership shall consist of the
 42 following:

43 a. Seven voting members from the general public
 44 who shall be appointed by the Legislative Council.

45 b. One nonvoting, ex officio member who is a
 46 member of the state board of education and is
 47 appointed by the chairperson of the state board of
 48 education.

49 c. One nonvoting, ex officio member who is the
 50 state librarian or the state librarian's designee.

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1 d. One nonvoting, ex officio member representing
 2 public postsecondary education institutions who is
 3 employed by a public postsecondary institution and is
 4 appointed by the Legislative Council.

5 e. Three nonvoting, ex officio members
 6 representing three different school districts and who
 7 are appointed by the Legislative Council as follows:

8 (1) From a list of three names submitted by a
 9 certified employee organization representing teachers
 10 licensed under chapter 272, a teacher employed by a
 11 school district.

12 (2) From a list of three names submitted by a
 13 statewide organization representing administrators
 14 licensed under chapter 272, an administrator employed
 15 by a school district.

16 (3) From a list of three names submitted by a
 17 statewide organization representing school boards, a
 18 member of a board of directors of a school district.

19 f. One nonvoting, ex officio member representing
 20 area education agencies who is appointed by the
 21 Legislative Council from a list of three names
 22 submitted by area education administrators.

23 g. One nonvoting, ex officio member who is a
24 member of the Senate and is appointed by the President
25 of the Senate.

26 h. One nonvoting, ex officio member who is a
27 member of the House of Representatives and is
28 appointed by the Speaker of the House of
29 Representatives.

30 2. Commission members shall be appointed in
31 compliance with sections 69.16 and 69.16A.
32 Appointments of public members shall be made to
33 provide broad representation of the various
34 geographical areas of the state insofar as possible.

35 3. In appointing members to the commission, proper
36 consideration shall be given to persons with
37 experience or special knowledge in one or more of the
38 following areas: education, business, economic
39 development, technology, and finance.

40 4. The commission shall elect a chairperson and a
41 vice-chairperson from among the voting members of the
42 commission; and

43 BE IT FURTHER RESOLVED, That the commission shall
44 submit its findings, recommendations, and its learning
45 technology plan in a report to the General Assembly by
46 December 15, 2004.”

JERRY BEHN

S-5296

1 Amend House File 2231, as passed by the House, as
2 follows:

3 1. Page 1, by striking lines 1 through 17, and
4 inserting the following:

5 “Sec. ___. AVAILABILITY OF RECORDS — PRIOR TO
6 EFFECTIVE DATE OF THIS ACT.”

7 2. Page 1, line 18, by striking the words “The
8 department” and inserting the following:
9 “Notwithstanding sections 692A.13 and 692A.13A, for a
10 sex offender required to register as a sex offender
11 prior to the effective date of this Act, the
12 department of public safety”.

13 3. By striking page 3, line 3, through page 4,
14 line 9, and inserting the following:
15 “Sec. ___. The department of public safety is not
16 required to implement sections 692A.13 and 692A.13A
17 for a sex offender required to register as a sex
18 offender prior to the effective date of this Act, but
19 is required to implement sections 692A.13 and 692A.13A
20 for a sex offender newly required to register as a sex
21 offender on and after the effective date of this Act.”

DAVID MILLER

S-5297

- 1 Amend Senate File 2262 as follows:
 2 1. Page 1, by inserting after line 31 the
 3 following:
 4 "2. The department shall not accept, and
 5 subsection 1 shall not apply to, an application for
 6 the construction of a structure which is part of an
 7 open feedlot, unless the application is accompanied by
 8 an affidavit as provided in this paragraph. The
 9 affidavit must state that a written notice has been
 10 delivered to each person residing within one mile of
 11 the structure constructed as part of the open feedlot.
 12 The notice shall at least state that a structure is to
 13 be constructed within one mile of the person's
 14 residence and that the person may contact the
 15 department for more information. The notice shall be
 16 delivered by personal service as in civil actions or
 17 by restricted certified mail."
 18 2. Page 1, line 32, by striking the figure "2."
 19 and inserting the following: "3."

STEVE WARNSTADT

S-5298

- 1 Amend House File 593, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 16, by inserting after the word
 4 "Code" the following: "Supplement".
 5 2. Page 3, by inserting after line 33, the
 6 following:
 7 "Sec. ___. Section 49.73, subsection 2, Code 2003,
 8 is amended to read as follows:
 9 2. The commissioner shall not shorten voting hours
 10 for any election if there is filed in the
 11 commissioner's office, at least twenty-five days
 12 before the election, a petition signed by at least
 13 fifty eligible electors of the school district or
 14 city, as the case may be, requesting that the polls be
 15 opened not later than seven o'clock a.m. All polling
 16 places where the candidates of or any public question
 17 submitted by any one political subdivision are being
 18 voted upon shall be opened at the same hour, except
 19 that this requirement shall not apply to merged areas
 20 established under chapter 260C. The hours at which the
 21 respective precinct polling places are to open shall
 22 not be changed after publication of the notice
 23 required by section 49.53. The polling places shall be
 24 closed at ~~nine o'clock~~ eight p.m. for ~~state primary~~
 25 ~~and general elections and other partisan elections,~~
 26 ~~and for any other election held concurrently~~

- 27 ~~therewith, and at eight o'clock p.m. for all other~~
 28 elections.”
 29 3. Title page, line 7, by inserting after the
 30 word “opening” the following: “and closing”.
 31 4. By renumbering as necessary.

MARK ZIEMAN

S-5299

- 1 Amend House File 593, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 16, by inserting after the word
 4 “Code” the following: “Supplement”.
 5 2. Page 5, by striking lines 13 and 14, and
 6 inserting the following: “information from the ballot
 7 identifying the voter before the ballot is recorded
 8 and counted.”

MARK ZIEMAN

S-5300

- 1 Amend Senate File 2299 as follows:
 2 1. Page 1, line 1, by inserting after the word
 3 “ELDERLY” the following: “AND DISABILITY”.
 4 2. Page 1, line 4, by inserting after the word
 5 “older” the following: “and Iowans with a disability
 6 who are age eighteen to fifty-nine”.
 7 3. Page 1, line 8, by inserting after the word
 8 “Iowans” the following: “and Iowans with a
 9 disability”.
 10 4. Page 1, by striking line 18 and inserting the
 11 following: “persons who are elderly or have a
 12 disability.”
 13 5. Page 2, line 16, by inserting after the word
 14 “senate.” the following: “The members appointed under
 15 this paragraph shall also be serving as a senate
 16 representative on the commission of elder affairs or
 17 the senior living coordinating unit.”
 18 6. Page 2, line 19, by inserting after the word
 19 “leader.” the following: “The members appointed under
 20 this paragraph shall also be serving as a house
 21 representative on the commission of elder affairs or
 22 the senior living coordinating unit.”
 23 7. Page 2, by inserting after line 22 the
 24 following:
 25 “n. The president of the AARP Iowa chapter or the
 26 president’s designee.
 27 o. The director of the Iowa governor’s
 28 developmental disabilities council.
 29 p. The chief executive officer of a multifaceted

30 organization providing home and community-based
 31 services, including mental health, mental retardation,
 32 housing, and related services.”

33 8. Title page, line 2, by inserting after the
 34 word “elderly” the following: “and disabled”.

MARY LUNDBY

S-5301

1 Amend the House amendment, S-5293, to Senate File
 2 443, as passed by the Senate, as follows:

3 1. Page 2, by striking lines 27 and 28 and
 4 inserting the following:
 5 “Sec. 5. Section 15E.45, subsection 2, paragraphs
 6 b and c, Code Supplement”.

7 2. Page 2, by inserting before line 29 the
 8 following:

9 “___ Page 1, line 5, by striking the words “five
 10 hundred” and inserting the following: “~~five~~ one
 11 hundred twenty-five”.

12 ___ Page 1, by inserting after line 12 the
 13 following:

14 “c. The fund has no fewer than ~~ten~~ five investors
 15 who are not affiliates, with no single investor and
 16 affiliates of that investor together owning a total of
 17 more than twenty-five percent of the ownership
 18 interests outstanding in the fund.

19 Sec. 501. Section 15E.45, subsection 6, Code
 20 Supplement 2003, is amended to read as follows:

21 6. In the event that a community-based seed
 22 capital fund fails to meet or maintain any requirement
 23 set forth in this section, or in the event that the
 24 community-based seed capital fund has not invested at
 25 least thirty-three percent of its invested capital in
 26 ~~no fewer than two~~ one or more separate qualifying
 27 businesses, measured at the end of the thirty-sixth
 28 month after commencing the fund’s investing
 29 activities, the board shall rescind any tax credit
 30 certificates issued to limited partners or members and
 31 shall notify the department of revenue that it has
 32 done so, and the tax credit certificates shall be null
 33 and void. However, a community-based seed capital
 34 fund may apply to the board for a one-year waiver of
 35 the requirements of this subsection.”

36 3. Page 2, line 35, by striking the words and
 37 figure “Section 5 of this Act applies” and inserting
 38 the following: “Sections 5 and 501 of this Act
 39 apply”.

40 4. By renumbering as necessary.

RON WIECK

S-5302

1 Amend House File 2440, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 28 the
4 following:
5 “Sec. ____ NEW SECTION. 668B.4 APPLICABILITY.
6 This chapter applies to actions filed on or after
7 July 1, 2004.”
8 2. Title page, line 2, by inserting after the
9 word “providers” the following: “and including an
10 applicability provision.”

MICHAEL E. GRONSTAL

S-5303

1 Amend House File 2440, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting after line 28 the
4 following:
5 “Sec. ____ NEW SECTION. 668B.4 COMMISSIONER
6 REPORT.
7 Beginning July 1, 2005, an insurer providing
8 medical malpractice insurance coverage in this state
9 shall submit an annual report to the commissioner of
10 insurance and to the general assembly that shall
11 include, but not be limited to, an actuarial valuation
12 of the cost savings relating to the cost of medical
13 malpractice insurance premiums paid in connection with
14 medical malpractice cases pending on the effective
15 date of this Act compared to the cost of medical
16 malpractice premiums paid in connection with medical
17 malpractice cases filed on or after the effective date
18 of this Act. Such an annual report shall be required
19 until final disposition of all cases pending on the
20 effective date of this Act. The cost savings shall be
21 returned in the form of refunds to the appropriate
22 health care providers in a manner approved by the
23 commissioner.”

MICHAEL E. GRONSTAL

S-5304

1 Amend the amendment, S-5296, to House File 2231, as
2 passed by the House, as follows:
3 1. Page 1, by striking lines 3 through 21 and
4 inserting the following:
5 “____. Page 2, line 29, by inserting before the
6 word “Relevant” the following: “Relevant information
7 disclosed to the general public shall also include

8 information under subsection 5A.”
 9 _____. Page 2, by inserting after line 30 the
 10 following:
 11 “5A. In addition to any relevant information
 12 disclosed to the general public pursuant to subsection
 13 5, the department shall disclose a general description
 14 of the criminal offense committed by the offender, the
 15 relevant Code sections violated, and the criminal
 16 offense classification of the offense committed. The
 17 department shall post on the sex offender registry’s
 18 web page a description of the applicable criminal
 19 offense classifications in this state and the
 20 penalties associated with the classifications.”
 21 _____. Page 4, by inserting after line 6 the
 22 following:
 23 “Sec. _____. IMPLEMENTATION OF CODE SECTION 692A.13.
 24 The department of public safety, department of
 25 corrections, department of human services, and the
 26 attorney general shall, in consultation with one
 27 another, develop methods and procedures for complying
 28 with the posting of any relevant information required
 29 by this Act for persons required to be posted on the
 30 sex offender registry’s web page prior to the
 31 effective date of this Act. The department of public
 32 safety shall continuously update the sex offender
 33 registry’s web page until all relevant information
 34 required by this Act is posted on the sex offender
 35 registry’s web page for persons required to be posted
 36 on the sex offender registry’s web page prior to the
 37 effective date of this Act.”
 38 _____. By renumbering as necessary.”

KEITH A. KREIMAN

S-5305

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 26, by striking the words “two
 4 hundred fifty thousand” and inserting the following:
 5 “one million”.

KEITH A. KREIMAN

S-5306

1 Amend House File 2440, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 27, by inserting after the word
 4 “dollars” the following: “adjusted annually to

5 reflect the percentage increase in the consumer price
6 index”.

KEITH A. KREIMAN

S-5307

1 Amend Senate File 2305 as follows:

2 1. Page 3, by striking lines 29 and 30, and
3 inserting the following: “included on the return
4 form, and the inclusion on the return form of any
5 other checkoffs enacted shall be for subsequent tax
6 years in the chronological order in which the
7 checkoffs were enacted.”

8 2. Page 4, by inserting after line 26, the
9 following:

10 “Sec. ____ NEW SECTION. 422.12G INCOME TAX
11 CHECKOFF FOR ANATOMICAL GIFT PUBLIC AWARENESS AND
12 TRANSPLANTATION.

13 1. A person who files an individual or a joint
14 income tax return with the department of revenue under
15 section 422.13 may designate one dollar or more to be
16 paid to the anatomical gift public awareness and
17 transplantation fund as created in section 142C.15.
18 If the refund due on the return or the payment
19 remitted with the return is insufficient to pay the
20 additional amount designated by the taxpayer to the
21 anatomical gift public awareness and transplantation
22 fund, the amount designated shall be reduced to the
23 remaining amount of refund or the remaining amount
24 remitted with the return. The designation of a
25 contribution to the anatomical gift public awareness
26 and transplantation fund under this section is
27 irrevocable.

28 2. The director of revenue shall draft the income
29 tax form to allow the designation of contributions to
30 the anatomical gift public awareness and
31 transplantation fund on the tax return. The
32 department of revenue, on or before January 31, shall
33 certify the total amount designated on the tax return
34 forms due in the preceding calendar year and shall
35 report the amount to the treasurer of state. The
36 treasurer of state shall credit the amount to the
37 anatomical gift public awareness and transplantation
38 fund. However, before a checkoff pursuant to this
39 section shall be permitted, all liabilities on the
40 books of the department of revenue and accounts
41 identified as owing under section 421.17 and the
42 political contribution allowed under section 68A.601
43 shall be satisfied.

44 3. The department of revenue shall adopt rules to
45 administer this section.

- 46 4. This section is subject to repeal under section
 47 422.12E.”
 48 3. Page 4, line 31, by striking the word and
 49 figure “section 422.12F” and inserting the following:
 50 “sections 422.12F and 422.12G”.

Page 2

- 1 4. Title page, line 4, by inserting after the
 2 word “fund,” the following: “providing an income tax
 3 checkoff for anatomical public awareness and
 4 transplantation.”.
 5 5. By renumbering as necessary.

GENE FRAISE

S-5308

- 1 Amend Senate Resolution 164 as follows:
 2 1. Page 1, line 6, by inserting after the word
 3 “to” the following: “insurance claims including”.
 4 2. Page 1, line 7, by striking the words “health
 5 care” and inserting the following: “insurance”.
 6 3. Page 1, line 8, by inserting after the word
 7 “of” the following: “insurance, including”.
 8 4. Page 1, line 8, by striking the word
 9 “insurance” and inserting the following:
 10 “insurance,”.
 11 5. Page 1, line 10, by inserting after the word
 12 “the” the following: “insurance market, including
 13 the”.
 14 6. Page 1, line 10, by striking the word “market”
 15 and inserting the following: “market,”.
 16 7. Page 1, line 19, by inserting after the word
 17 “insurer” the following: “providing insurance
 18 coverage in this state, including every insurer”.
 19 8. Page 1, line 25, by inserting after the word
 20 “the” the following: “insurance marketplace,
 21 including carriers in the”.
 22 9. Page 1, line 27, by inserting after the word
 23 “of” the following: “insurance, including”.
 24 10. Page 1, line 28, by striking the word
 25 “insurance” and inserting the following:
 26 “insurance,”.

STEVE WARNSTADT

S-5309

- 1 Amend House File 2562, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 1, line 34, by inserting after the word

- 4 “license” the following: “or class “B” beer permit”.
5 2. Page 1, line 35, by striking the words “, for
6 on-premises consumption”.
7 3. Page 2, line 7, by inserting after the word
8 “license” the following: “or class “B” beer permit”.
9 4. Page 2, line 8, by striking the words “, for
10 on-premises consumption”.
11 5. Page 2, line 26, by inserting after the word
12 “Act.” the following: “In addition, the department
13 shall not initially register an electrical and
14 mechanical amusement device that is required to be
15 registered as provided in this subsection to an owner
16 for a location for which only a class “B” beer permit
17 has been issued pursuant to chapter 123 on or after
18 the effective date of this Act.”
19 6. Page 2, line 35, by inserting after the word
20 “department.” the following: “In addition, an owner
21 at a location for which only a class “B” beer permit
22 has been issued pursuant to chapter 123 shall not
23 relocate an amusement device registered as provided in
24 this subsection to a location other than the location
25 of the device on the effective date of this Act, and
26 shall not transfer, assign, sell, or lease an
27 amusement device registered as provided in this
28 subsection to another person for which only a class
29 “B” beer permit has been issued pursuant to chapter
30 123 after the effective date of this Act.”
31 7. Page 3, line 12, by inserting after the word
32 “section” the following: “at a location for which
33 only a class “B” beer permit has been issued pursuant
34 to chapter 123”.
35 8. Page 5, line 4, by inserting after the words
36 “paragraph “a.” the following: “In addition, a
37 person whose registration is revoked under this
38 subsection who is a person for which only a class “B”
39 beer permit has been issued pursuant to chapter 123
40 shall have the person’s class “B” beer permit
41 suspended and that person’s sales tax permit suspended
42 for a period of fourteen days in the same manner as
43 provided in section 123.50, subsection 3, paragraph
44 “a.”
45 9. Page 7, line 5, by inserting after the word
46 “license” the following: “or class “B” beer permit”.
47 10. Page 7, line 15, by inserting after the word
48 “Act” the following: “for which a class “A”, class
49 “B”, class “C”, or class “D” liquor control license or
50 class “B” beer permit has been issued pursuant to

Page 2

1 chapter 123”.

COMMITTEE ON WAYS AND MEANS
LARRY McKIBBEN, Chair

S-5310

- 1 Amend the House amendment, S-5236, to Senate File
2 2282, as passed by the Senate, as follows:
3 1. Page 1, by striking lines 12 through 16 and
4 inserting the following:
5 “__. Page 1, line 7, by inserting after the word
6 “preserve” the following: “and of other various uses
7 of the loess hills”.”
8 2. Page 1, by striking lines 32 through 34 and
9 inserting the following:
10 “__. Title page, line 4, by inserting after the
11 word “hills” the following: “and of other various
12 uses of the loess hills”.”
13 3. By renumbering as necessary.

STEVE WARNSTADT

S-5311

- 1 Amend the amendment, S-5296, to House File 2231, as
2 passed by the House, as follows:
3 1. Page 1, by striking line 5 and inserting the
4 following:
5 ““Sec. ____. Section 692A.13, subsection 3,
6 unnumbered paragraph 1, Code Supplement 2003, is
7 amended to read as follows:
8 The department or a criminal or juvenile justice
9 agency may release relevant information from the
10 registry ~~except as otherwise provided in section~~
11 ~~692A.13A, subsection 3,~~ to members of the general
12 public concerning a specific person who is required to
13 register under this chapter as follows:
14 Sec. ____. Section 692A.13, subsection 3, paragraph
15 c, Code Supplement 2003, is amended to read as
16 follows:
17 c. ~~Upon the appropriation of sufficient funds, the~~
18 ~~The~~ department shall provide electronic access to
19 relevant information from the registry for ~~the~~
20 ~~following:~~
21 ~~(1) Persons~~ persons who commit a criminal offense
22 against a minor, an aggravated offense, sexual
23 exploitation, a sexually violent offense, or another
24 relevant offense on or after July 1, 1999, ~~and who~~
25 ~~have been assessed to be “moderate risk” or “high-~~

26 risk”.

27 ~~(2) Persons who committed an offense prior to July~~
 28 ~~1, 1999, and who have been assessed to be “moderate~~
 29 ~~risk” or “high risk” and whose opportunity to request~~
 30 ~~a hearing regarding the assessment of risk has lapsed.~~

31 Sec. __. AVAILABILITY OF RECORDS — PRIOR TO”.

KEITH A. KREIMAN

S-5312

1 Amend House File 2302, 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. 15E.311 COUNTY
 6 ENDOWMENT FUND.

7 1. The purpose of this section is to enhance the
 8 quality of life for citizens of Iowa by providing
 9 moneys to new or existing citizen groups of this state
 10 organized to establish county affiliate funds or
 11 community foundations that will address countywide
 12 needs.

13 2. A county endowment fund is created in the state
 14 treasury under the control of the department of
 15 revenue. The fund consists of all moneys appropriated
 16 to the fund. Moneys in the fund shall be distributed
 17 by the department as provided in this section.

18 3. a. At the end of each fiscal year, moneys in
 19 the fund shall be transferred into separate accounts
 20 within the fund and designated for use by each county
 21 in which no licensee authorized to conduct gambling
 22 games under chapter 99F was located during that fiscal
 23 year. Moneys transferred to county accounts shall be
 24 divided equally among the counties. Moneys
 25 transferred into an account for a county shall be
 26 transferred by the department to an eligible county
 27 recipient for that county. Of the moneys transferred,
 28 an eligible county recipient may distribute up to
 29 eighty percent of the moneys as grants to charitable
 30 organizations for educational, civic, public,
 31 charitable, patriotic, or religious uses, as defined
 32 in section 99B.7, subsection 3, paragraph “b”, in that
 33 county and shall retain the remainder of the moneys
 34 for use in establishing a permanent endowment fund for
 35 the benefit of charitable organizations for
 36 educational, civic, public, charitable, patriotic, or
 37 religious uses, as defined in section 99B.7,
 38 subsection 3, paragraph “b”.

39 b. If a county does not have an eligible county
 40 recipient, moneys in the account for that county shall
 41 remain in that account until an eligible county

42 recipient for that county is established.
 43 c. For purposes of this subsection, an “eligible
 44 county recipient” means a qualified community
 45 foundation or community affiliate organization, as
 46 defined in section 15E.303, that is selected, in
 47 accordance with the procedures described in section
 48 15E.304, to receive moneys from an account created in
 49 this section for a particular county. To be selected
 50 as an eligible county recipient, a community affiliate

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1 organization shall establish a county affiliate fund
 2 to receive moneys as provided by this section.
 3 4. Notwithstanding section 12C.7, subsection 2,
 4 interest or earnings on moneys deposited in the county
 5 endowment fund shall be credited to the county
 6 endowment fund. Notwithstanding section 8.33, moneys
 7 credited to the county endowment fund shall not revert
 8 at the close of a fiscal year.

9 Sec. 2. Section 99D.2, subsection 8, Code 2003, is
 10 amended to read as follows:

11 8. “Racetrack enclosure” means all real property
 12 utilized for the conduct of a race meeting, including
 13 the racetrack, grandstand, clubhouse, turf club or
 14 other areas of a licensed racetrack which a person may
 15 enter only upon payment of an admission fee, or upon
 16 payment by another, at any time, based upon the
 17 person’s admittance, or upon presentation of
 18 authorized credentials. “Racetrack enclosure” also
 19 means concession stands, offices, barns, kennels and
 20 barn areas, employee housing facilities, parking lots,
 21 and any additional areas designated by the commission.

22 Sec. 3. Section 99D.2, Code 2003, is amended by
 23 adding the following new subsection:

24 NEW SUBSECTION. 9. “Wagering area” means that
 25 portion of a racetrack in which a licensee may receive
 26 wagers of money from a person present in a licensed
 27 racing enclosure on a horse or dog in a race selected
 28 by the person making the wager as designated by the
 29 commission.

30 Sec. 4. Section 99D.5, subsection 4, Code 2003, is
 31 amended to read as follows:

32 4. Commission members are each entitled to receive
 33 an annual salary of six thousand dollars. Members
 34 shall also be reimbursed for actual expenses incurred
 35 in the performance of their duties to a maximum of
 36 thirty thousand dollars per year for the commission.
 37 Each member shall ~~post a bond in the amount of ten~~
 38 ~~thousand dollars, with sureties to be approved by the~~
 39 ~~governor, to guarantee the proper handling and~~
 40 ~~accounting of moneys and other properties required in~~

41 ~~the administration of this chapter. The premiums on~~
 42 ~~the bonds shall be paid as other expenses of the~~
 43 ~~commission be covered by the blanket surety bond of~~
 44 ~~the state purchased pursuant to section 8A.321,~~
 45 ~~subsection 12.~~

46 Sec. 5. Section 99D.6, Code 2003, is amended to
 47 read as follows:

48 99D.6 CHAIRPERSON — ADMINISTRATOR — EMPLOYEES —
 49 DUTIES — BOND.

50 The commission shall elect in July of each year one

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1 of its members as chairperson for the succeeding year.
 2 The commission shall appoint an administrator of the
 3 commission subject to confirmation by the senate. The
 4 administrator shall serve a four-year term. The term
 5 shall begin and end in the same manner as set forth in
 6 section 69.19. A vacancy shall be filled for the
 7 unexpired portion of the term in the same manner as a
 8 full-term appointment is made. The administrator may
 9 hire other assistants and employees as necessary to
 10 carry out the commission's duties. Employees in the
 11 positions of equine veterinarian, canine veterinarian,
 12 and equine steward shall be exempt from the merit
 13 system provisions of chapter 8A, subchapter IV, and
 14 shall not be covered by a collective bargaining
 15 agreement. Some or all of the information required of
 16 applicants in section 99D.8A, subsections 1 and 2, may
 17 also be required of employees of the commission if the
 18 commission deems it necessary. The administrator
 19 shall keep a record of the proceedings of the
 20 commission, and preserve the books, records, and
 21 documents entrusted to the administrator's care. The
 22 ~~commission shall require the administrator to post a~~
 23 ~~bond in a sum it may fix, conditioned upon the~~
 24 ~~faithful performance of the administrator's duties~~
 25 ~~shall be covered by the blanket surety bond of the~~
 26 ~~state purchased pursuant to section 8A.321, subsection~~
 27 ~~12.~~ Subject to the approval of the governor, the
 28 commission shall fix the compensation of the
 29 administrator within the salary range as set by the
 30 general assembly. The commission shall have its
 31 headquarters in the city of Des Moines, and shall meet
 32 in July of each year and at other times and places as
 33 it finds necessary for the discharge of its duties.

34 Sec. 6. Section 99D.7, subsection 8, Code 2003, is
 35 amended to read as follows:

36 8. To investigate alleged violations of this
 37 chapter or the commission rules, orders, or final
 38 decisions and to take appropriate disciplinary action
 39 against a licensee or a holder of an occupational

40 license for the violation, or institute appropriate
41 legal action for enforcement, or both. Information
42 gathered during an investigation is confidential
43 during the pendency of the investigation. Decisions
44 by the commission are final agency actions pursuant to
45 chapter 17A.
46 Sec. 7. Section 99D.7, subsection 19, Code 2003,
47 is amended to read as follows:
48 19. To require licensees to indicate in their
49 racing programs those horses which are treated with
50 the legal medication ~~lasix~~ furosemide or

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1 phenylbutazone. The program shall also indicate if it
2 is the first or subsequent time that a horse is racing
3 with ~~lasix~~ furosemide, or if the horse has previously
4 raced with ~~lasix~~ furosemide and the present race is
5 the first race for the horse without ~~lasix~~ furosemide
6 following its use.

7 Sec. 8. Section 99D.7, Code 2003, is amended by
8 adding the following new subsections:
9 NEW SUBSECTION. 23. To require licensees to
10 establish a process to allow a person to be
11 voluntarily excluded for life from a racetrack
12 enclosure and all other licensed facilities under this
13 chapter and chapter 99F. The process established
14 shall require that a licensee disseminate information
15 regarding persons voluntarily excluded to all
16 licensees under this chapter and chapter 99F. The
17 state and any licensee under this chapter or chapter
18 99F shall not be liable to any person for any claim
19 which may arise from this process. In addition to any
20 other penalty provided by law, any money or thing of
21 value that has been obtained by, or is owed to, a
22 voluntarily excluded person by a licensee as a result
23 of wagers made by the person after the person has been
24 voluntarily excluded shall not be paid to the person
25 but shall be deposited into the gambling treatment
26 fund created in section 135.150.

27 NEW SUBSECTION. 24. To approve and establish, at
28 the commission's discretion, special events and areas
29 at a racetrack enclosure where persons under the age
30 of twenty-one may be present.

31 Sec. 9. Section 99D.9, subsections 1 and 2, Code
32 2003, are amended to read as follows:

33 1. If the commission is satisfied that its rules
34 and sections 99D.8 through 99D.25 applicable to
35 licensees have been or will be complied with, it may
36 issue a license for a period of not more than three
37 years. The commission may decide which types of
38 racing it will permit. The commission may permit dog

39 racing, horse racing of various types, or both dog and
 40 horse racing. The commission shall decide the number,
 41 location, and type of all racetracks licensed under
 42 this chapter. The license shall set forth the name of
 43 the licensee, the type of license granted, the place
 44 where the race meeting is to be held, and the time and
 45 number of days during which racing may be conducted by
 46 the licensee. ~~The commission shall not approve the~~
 47 ~~licenses for racetracks in Dubuque county and Black~~
 48 ~~Hawk county if the proposed racing schedules of the~~
 49 ~~two tracks conflict.~~ The commission shall not approve
 50 a license application if any part of the racetrack is

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1 to be constructed on prime farmland outside the city
 2 limits of an incorporated city. As used in this
 3 subsection, "prime farmland" means as defined by the
 4 United States department of agriculture in 7 C.F.R.
 5 ~~see, § 657.5(a).~~ A license is not transferable or
 6 assignable. The commission may revoke any license
 7 issued for good cause upon reasonable notice and
 8 hearing. The commission shall conduct a neighborhood
 9 impact study to determine the impact of granting a
 10 license on the quality of life in neighborhoods
 11 adjacent to the proposed racetrack facility. The
 12 applicant for the license shall reimburse the
 13 commission for the costs incurred in making the study.
 14 A copy of the study shall be retained on file with the
 15 commission and shall be a public record. The study
 16 shall be completed before the commission may issue a
 17 license for the proposed facility.

18 2. A license shall only be granted to a nonprofit
 19 corporation or association upon the express condition
 20 that:

21 ~~a. The the~~ nonprofit corporation or association
 22 shall not, by a lease, contract, understanding, or
 23 arrangement of any kind, grant, assign, or turn over
 24 to a person the operation of a race meeting licensed
 25 under this section or of the pari-mutuel system of
 26 wagering described in section 99D.11. This section
 27 does not prohibit a management contract approved by
 28 the commission.

29 ~~b. The nonprofit corporation shall not in any~~
 30 ~~manner permit a person other than the licensee to have~~
 31 ~~a share, percentage, or proportion of the money~~
 32 ~~received for admissions to the race or race meeting.~~

33 Sec. 10. Section 99D.9, subsection 6, Code 2003,
 34 is amended to read as follows:

35 6. (1) A licensee ~~may~~ shall not loan to any
 36 person money or any other thing of value for the
 37 purpose of permitting that person to wager on any

38 race.

39 (2) A licensee shall not permit a financial
 40 institution, vendor, or other person to dispense cash
 41 or credit through an electronic or mechanical device
 42 including but not limited to a satellite terminal as
 43 defined in section 527.2, that is located in the
 44 wagering area.

45 Sec. 11. Section 99D.9, Code 2003, is amended by
 46 adding the following new subsection:

47 NEW SUBSECTION. 8. The commission shall require
 48 that a licensee utilize Iowa resources, goods, and
 49 services in the operation of a racetrack enclosure.
 50 The commission shall develop standards to assure that

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1 a substantial amount of all resources and goods used
 2 in the operation of a racetrack enclosure emanate from
 3 and are made in Iowa and that a substantial amount of
 4 all services and entertainment are provided by Iowans.

5 Sec. 12. Section 99D.11, subsection 7, Code 2003,
 6 is amended to read as follows:

7 7. A person under the age of twenty-one years
 8 shall not make or attempt to make a pari-mutuel wager.
 9 A person who violates this subsection commits a
 10 scheduled violation under section 805.8C, subsection
 11 4.

12 Sec. 13. Section 99D.14, subsection 2, Code 2003,
 13 is amended by striking the subsection and inserting in
 14 lieu thereof the following:

15 2. A licensee shall pay a regulatory fee to be
 16 charged as provided in this section. In determining
 17 the regulatory fee to be charged as provided under
 18 this section, the commission shall use the amount
 19 appropriated to the commission plus the cost of
 20 salaries for no more than two special agents for each
 21 racetrack that has not been issued a table games
 22 license under chapter 99F or no more than three
 23 special agents for each racetrack that has been issued
 24 a table games license under chapter 99F, plus any
 25 direct and indirect support costs for the agents, for
 26 the division of criminal investigation's racetrack
 27 activities, as the basis for determining the amount of
 28 revenue to be raised from the regulatory fee.

29 Sec. 14. Section 99D.14, subsection 7, Code 2003,
 30 is amended by striking the subsection.

31 Sec. 15. Section 99D.15, subsection 3, paragraph
 32 d, Code 2003, is amended by striking the paragraph.

33 Sec. 16. Section 99D.15, Code 2003, is amended by
 34 adding the following new subsection:

35 NEW SUBSECTION. 5. An amount equal to one-half of
 36 one percent of the gross sum wagered by the pari-

37 mutuel method shall be deposited into the gambling
 38 treatment fund created in section 135.150 from the tax
 39 revenue received by the commission pursuant to
 40 subsections 1 and 3.

41 Sec. 17. Section 99D.19, Code 2003, is amended to
 42 read as follows:

43 99D.19 HORSE OR DOG RACING — LICENSEES — RECORDS
 44 — REPORTS — SUPERVISION.

45 1. A licensee shall keep its books and records so
 46 as to clearly show the following:

47 ~~1. a. The total number of admissions to races~~
 48 ~~conducted by it on each racing day, including the~~
 49 ~~number of admissions upon free passes or complimentary~~
 50 ~~tickets for each day of operation.~~

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1 ~~2. b. The amount received daily from admission~~
 2 ~~fees.~~

3 ~~3. The total amount of money wagered during the~~
 4 ~~race meet for each day of operation.~~

5 2. The licensee shall furnish to the commission
 6 reports and information as the commission may require
 7 with respect to its activities. The commission may
 8 designate a representative to attend a licensed race
 9 meeting, who shall have full access to all places
 10 within the enclosure of the meeting and who shall
 11 supervise and check the admissions. The compensation
 12 of the representative shall be fixed by the commission
 13 but shall be paid by the licensee.

14 Sec. 18. Section 99D.20, Code 2003, is amended to
 15 read as follows:

16 99D.20 AUDIT OF LICENSEE OPERATIONS.

17 Within ninety days after the end of each race meet,
 18 the licensee shall transmit to the commission an audit
 19 of the financial transactions and condition of the
 20 licensee's operations conducted under this chapter.
 21 Additionally, within ninety days after the end of the
 22 licensee's fiscal year, the licensee shall transmit to
 23 the commission an audit of the ~~financial transactions~~
 24 ~~and condition of the licensee's total~~ racing and
 25 gaming operations, including an itemization of all
 26 expenses and subsidies. All audits shall be conducted
 27 by certified public accountants registered in the
 28 state of Iowa under chapter 542 who are selected by
 29 the board of supervisors of the county in which the
 30 licensee operates.

31 Sec. 19. Section 99D.23, subsection 1, Code 2003,
 32 is amended to read as follows:

33 1. The commission shall employ one or more
 34 chemists or contract with a qualified chemical
 35 laboratory to determine by chemical testing and

36 analysis of saliva, urine, blood, or other excretions
 37 or body fluids whether a substance or drug has been
 38 introduced which may affect the outcome of a race or
 39 whether an action has been taken or a substance or
 40 drug has been introduced which may interfere with the
 41 testing procedure. The commission shall adopt rules
 42 under chapter 17A concerning procedures and actions
 43 taken on positive drug reports. The commission may
 44 adopt by reference ~~the standards of the national~~
 45 ~~association of state racing commissioners, the~~
 46 ~~association of official racing chemists, and New York~~
 47 ~~jockey club, or the United States trotting~~
 48 ~~association, nationally recognized standards as~~
 49 determined by the commission or may adopt any other
 50 procedure or standard. The commission has the

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1 authority to retain and preserve by freezing, test
 2 samples for future analysis.
 3 Sec. 20. Section 99D.25, subsection 1, paragraph
 4 a, Code 2003, is amended to read as follows:
 5 a. "Drugging" means administering to a horse or
 6 dog any substance foreign to the natural horse or dog
 7 prior to the start of a race. However, in counties
 8 with a population of two hundred fifty thousand or
 9 more, "drugging" does not include administering to a
 10 horse the drugs ~~lasix~~ furosemide and phenylbutazone in
 11 accordance with section 99D.25A and rules adopted by
 12 the commission.
 13 Sec. 21. Section 99D.25, subsection 5, Code 2003,
 14 is amended to read as follows:
 15 5. Every horse which suffers a breakdown on the
 16 racetrack, in training, or in competition, and is
 17 destroyed, and every other horse which expires while
 18 stabled on the racetrack under the jurisdiction of the
 19 commission, shall undergo a postmortem examination by
 20 a veterinarian or a veterinary pathologist at a time
 21 and place acceptable to the commission veterinarian to
 22 determine the injury or sickness which resulted in
 23 euthanasia or natural death. ~~The postmortem~~
 24 ~~examination shall be conducted by a veterinarian~~
 25 ~~employed by the owner or the owner's trainer in the~~
 26 ~~presence of and in consultation with the commission~~
 27 ~~veterinarian.~~ Test samples shall be obtained from the
 28 carcass upon which the postmortem examination is
 29 conducted and shall be sent to a laboratory approved
 30 by the commission for testing for foreign substances
 31 and natural substances at abnormal levels. When
 32 practical, blood and urine test samples should be
 33 procured prior to euthanasia. The owner of the
 34 deceased horse is responsible for payment of any

35 charges due ~~the veterinarian employed~~ to conduct the
36 postmortem examination. ~~The services of the~~
37 ~~commission veterinarian and the laboratory testing of~~
38 ~~postmortem samples shall be made available by the~~
39 ~~commission without charge to the owner.~~ A record of
40 every postmortem shall be filed with the commission by
41 the ~~owner's~~ veterinarian ~~or veterinary pathologist who~~
42 ~~performed the postmortem~~ within seventy-two hours of
43 the death ~~and shall be submitted on a form supplied by~~
44 ~~the commission.~~ Each owner and trainer accepts the
45 responsibility for the postmortem examination provided
46 herein as a requisite for maintaining the occupational
47 license issued by the commission.

48 Sec. 22. Section 99D.25, subsection 9, Code 2003,
49 is amended to read as follows:

50 9. The commission shall conduct random tests of

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1 bodily substances of horses entered to race each day
2 of a race meeting to aid in the detection of any
3 unlawful drugging. The tests ~~shall~~ may be conducted
4 both prior to and after a race. The commission shall
5 also test any horse that breaks down during a race and
6 shall perform an autopsy on any horse that is killed
7 or subsequently destroyed as a result of an accident
8 during a race.

9 Sec. 23. Section 99D.25A, subsections 3 through 7,
10 Code 2003, are amended to read as follows:

11 3. If a horse is to race with phenylbutazone in
12 its system, the trainer, or trainer's designee, shall
13 be responsible for marking the information on the
14 entry blank for each race in which the horse shall use
15 phenylbutazone. Changes made after the time of entry
16 must be submitted on the prescribed form to the
17 commission veterinarian no later than scratch time.

18 4. If a test detects concentrations of
19 phenylbutazone in the system of a horse in excess of
20 the level permitted in this section, the commission
21 shall assess a civil penalty against the trainer of at
22 least two hundred dollars for the first offense and at
23 least five hundred dollars for a second offense. The
24 penalty for a third or subsequent offense shall be in
25 the discretion of the commission. A penalty assessed
26 under this subsection shall not affect the placing of
27 the horse in the race.

28 5. ~~Lasix~~ Furosemide may be administered to
29 certified bleeders. Upon request, any horse placed on
30 the bleeder list shall, in its next race, be permitted
31 the use of ~~lasix~~ furosemide. Once a horse has raced
32 with ~~lasix~~ furosemide, it must continue to race with
33 ~~lasix~~ furosemide in all subsequent races unless a

34 request is made to discontinue the use. If the use of
 35 ~~lasix furosemide~~ is discontinued, the horse shall be
 36 prohibited from again racing with ~~lasix furosemide~~
 37 unless it is later observed to be bleeding. Requests
 38 for the use of or discontinuance of ~~lasix furosemide~~
 39 must be made to the commission veterinarian by the
 40 horse's trainer or assistant trainer on a form
 41 prescribed by the commission on or before the day of
 42 entry into the race for which the request is made.

43 6. Once a horse has been permitted the use of
 44 ~~lasix furosemide~~, the horse must be treated with ~~lasix~~
 45 ~~furosemide~~ in the horse's stall, unless the commission
 46 provides that a horse must be brought to the detention
 47 barn for treatment. After the ~~lasix furosemide~~
 48 treatment, the commission, by rule, may authorize the
 49 release of the horse from the horse's stall or
 50 detention barn before the scheduled post time. If a

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1 horse is brought to the detention barn late, the
 2 commission shall assess a civil penalty of one hundred
 3 dollars against the trainer.

4 7. A horse entered to race with ~~lasix furosemide~~
 5 must be treated at least four hours prior to post
 6 time. The ~~lasix furosemide~~ shall be administered
 7 intravenously by a veterinarian employed by the owner
 8 or trainer of the horse. The commission shall adopt
 9 rules to ensure that ~~lasix furosemide~~ is administered
 10 as provided in this section. The commission shall
 11 require that the practicing veterinarian deliver an
 12 affidavit signed by the veterinarian which certifies
 13 information regarding the treatment of the horse. The
 14 affidavit must be delivered to a commission
 15 veterinarian within twenty minutes following the
 16 treatment. The statement must at least include the
 17 name of the practicing veterinarian, the tattoo number
 18 of the horse, the location of the barn and stall where
 19 the treatment occurred, the race number of the horse,
 20 the name of the trainer, and the time that the ~~lasix~~
 21 ~~furosemide~~ was administered. ~~Lasix Furosemide~~ shall
 22 only be administered in a dose level of two hundred
 23 fifty milligrams.

24 Sec. 24. Section 99F.1, Code Supplement 2003, is
 25 amended by adding the following new subsection:
 26 NEW SUBSECTION. 7A. "Excursion boat" means a
 27 self-propelled, floating vessel that is or has been
 28 previously certified by the United States coast guard
 29 for operation as a vessel.

30 Sec. 25. Section 99F.1, subsection 8, Code
 31 Supplement 2003, is amended to read as follows:

32 8. "Excursion gambling boat" means ~~a self-~~

33 ~~propelled an~~ excursion boat or moored barge on which
34 lawful gambling is authorized and licensed as provided
35 in this chapter.

36 Sec. 26. Section 99F.1, subsection 10, Code
37 Supplement 2003, is amended to read as follows:

38 10. "Gambling game" means any game of chance
39 authorized by the commission. However, for racetrack
40 enclosures, "gambling game" does not include table
41 games of chance or video machines which simulate table
42 games of chance, unless otherwise authorized by this
43 chapter. "Gambling game" does not include sports
44 betting.

45 Sec. 27. Section 99F.1, Code Supplement 2003, is
46 amended by adding the following new subsection:
47 **NEW SUBSECTION.** 10A. "Gaming floor" means that
48 portion of an excursion gambling boat or racetrack
49 enclosure in which gambling games are conducted as
50 designated by the commission.

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1 Sec. 28. Section 99F.1, subsection 12, Code
2 Supplement 2003, is amended to read as follows:

3 12. "Holder of occupational license" means a
4 person licensed by the commission to perform an
5 occupation which the commission has identified as
6 requiring a license to engage in the excursion
7 gambling boat gambling industry in Iowa.

8 Sec. 29. Section 99F.1, Code Supplement 2003, is
9 amended by adding the following new subsection:

10 14A. "Moored barge" means a floating barge or
11 vessel that is not self-propelled.

12 Sec. 30. Section 99F.1, subsection 16, Code
13 Supplement 2003, is amended to read as follows:

14 16. "Racetrack enclosure" means all real property
15 utilized for the conduct of a race meeting, including
16 the racetrack, grandstand, clubhouse, turf club, or
17 other areas of a licensed racetrack which an
18 individual may enter only upon payment of an admission
19 fee, or upon payment by another, at any time, based
20 upon the individual's admittance, or upon presentation
21 of authorized credentials. "Racetrack enclosure" also
22 means concession stands, offices, barns, kennels and
23 barn areas, employee housing facilities, parking lots,
24 and any additional areas designated by the commission.

25 Sec. 31. Section 99F.4, subsection 2, Code 2003,
26 is amended to read as follows:

27 2. To license qualified sponsoring organizations,
28 to license the operators of excursion gambling boats,
29 to identify occupations within the excursion gambling
30 boat operations which require licensing, and to adopt
31 standards for licensing the occupations including

32 establishing fees for the occupational licenses and
 33 licenses for qualified sponsoring organizations. The
 34 fees shall be paid to the commission and deposited in
 35 the general fund of the state. All revenue received
 36 by the commission under this chapter from license fees
 37 and ~~admission~~ regulatory fees shall be deposited in
 38 the general fund of the state and shall be subject to
 39 the requirements of section 8.60.

40 Sec. 32. Section 99F.4, subsection 6, Code 2003,
 41 is amended to read as follows:

42 6. To investigate alleged violations of this
 43 chapter or the commission rules, orders, or final
 44 decisions and to take appropriate disciplinary action
 45 against a licensee or a holder of an occupational
 46 license for a violation, or institute appropriate
 47 legal action for enforcement, or both. Information
 48 gathered during an investigation is confidential
 49 during the pendency of the investigation.

50 Sec. 33. Section 99F.4, subsection 18, Code 2003,

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1 is amended to read as follows:

2 18. To provide for the continuous ~~videotaping~~
 3 recording of all gambling activities on an excursion
 4 gambling boat. The ~~videotaping~~ recording shall b
 5 performed under guidelines set by rule of the division
 6 of criminal investigation and the rules may require
 7 that all or part of the original ~~tapes~~ recordings be
 8 submitted to the division on a timely schedule.

9 Sec. 34. Section 99F.4, subsection 20, Code 2003,
 10 is amended by striking the subsection.

11 Sec. 35. Section 99F.4, Code 2003, is amended by
 12 adding the following new subsections:

13 NEW SUBSECTION. 23. To require licensees to
 14 establish a process to allow a person to be
 15 voluntarily excluded for life from an excursion
 16 gambling boat and all other licensed facilities under
 17 this chapter and chapter 99D. The process established
 18 shall require that a licensee disseminate information
 19 regarding persons voluntarily excluded to all
 20 licensees under this chapter and chapter 99D. The
 21 state and any licensee under this chapter or chapter
 22 99D shall not be liable to any person for any claim
 23 which may arise from this process. In addition to any
 24 other penalty provided by law, any money or thing of
 25 value that has been obtained by, or is owed to, a
 26 voluntarily excluded person by a licensee as a result
 27 of wagers made by the person after the person has been
 28 voluntarily excluded shall not be paid to the person
 29 but shall be deposited into the gambling treatment
 30 fund created in section 135.150.

31 NEW SUBSECTION. 24. To approve a licensee's
32 application to operate as a moored barge, an excursion
33 boat that will cruise, or an excursion boat that will
34 not cruise, as submitted pursuant to section 99F.7.

35 NEW SUBSECTION. 25. To conduct a socioeconomic
36 study on the impact of gambling on Iowans, every eight
37 years beginning in calendar year 2008, and issue a
38 report on that study. The commission shall ensure
39 that the results of each study are readily accessible
40 to the public.

41 Sec. 36. Section 99F.4A, subsection 4, Code 2003,
42 is amended to read as follows:

43 4. The regulatory fee imposed in section 99D.14,
44 subsection 2, shall be collected ~~for admission to from~~
45 a licensee of a racetrack enclosure where gambling
46 games are licensed to operate in lieu of the ~~admission~~
47 regulatory fee imposed in section 99F.10.

48 Sec. 37. Section 99F.4A, subsection 8, Code 2003,
49 is amended by striking the subsection and inserting in
50 lieu thereof the following:

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1 8. The commission shall, upon the immediate
2 payment of the applicable table games license fee and
3 submission to the commission by June 1, 2005, of an
4 application by a licensee of a pari-mutuel dog or
5 horse racetrack licensed to conduct gambling games at
6 a pari-mutuel racetrack enclosure, issue a license to
7 the licensee to conduct table games of chance,
8 including video machines that simulate table games of
9 chance, at the pari-mutuel racetrack enclosure subject
10 to the requirements of this subsection. However, a
11 table games license may only be issued to a licensee
12 required to pay a table games license fee of three
13 million dollars under this subsection if the licensee,
14 and all other licensees of an excursion gambling boat
15 in that county, file an agreement with the commission
16 authorizing the granting of a table games license
17 under this subsection and permitting all licensees of
18 an excursion gambling boat to operate a moored barge
19 as of a specific date. The licensee shall be granted
20 a table games license by the commission without
21 conducting a separate referendum authorizing table
22 games upon payment of the applicable license fee to
23 the commission which table games license fee may be
24 offset by the licensee against taxes imposed on the
25 licensee by section 99F.11, to the extent of twenty
26 percent of the table games license fee paid pursuant
27 to this subsection for each of five consecutive fiscal
28 years beginning with the fiscal year beginning July 1,
29 2008. Fees paid pursuant to this subsection are not

30 refundable to the licensee. A licensee shall not be
 31 required to pay a fee to renew a table games license
 32 issued pursuant to this subsection. Moneys collected
 33 by the commission from a table games license fee paid
 34 under this subsection shall be deposited in the
 35 rebuild Iowa infrastructure fund created in section
 36 8.57.

37 For purposes of this subsection, the applicable
 38 license fee for a licensee shall be three million
 39 dollars if the adjusted gross receipts from gambling
 40 games for the licensee in the previous fiscal year was
 41 less than one hundred million dollars, and shall be
 42 ten million dollars if the adjusted gross receipts
 43 from gambling games for the licensee in the previous
 44 fiscal year was one hundred million dollars or more.

45 Sec. 38. Section 99F.5, subsection 1, Code 2003,
 46 is amended to read as follows:

47 1. A qualified sponsoring organization may apply
 48 to the commission for a license to conduct gambling
 49 games on an excursion gambling boat as provided in
 50 this chapter. A person may apply to the commission

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1 for a license to operate an excursion gambling boat.
 2 An operating agreement entered into on or after the
 3 effective date of this section of this Act between a
 4 qualified sponsoring organization and an operator
 5 shall provide for a minimum distribution by the
 6 qualified sponsoring organization for educational,
 7 civic, public, charitable, patriotic, or religious
 8 uses as defined in section 99B.7, subsection 3,
 9 paragraph "b", that averages at least three percent of
 10 the adjusted gross receipts for each license year.

11 The application shall be filed with the administrator
 12 of the commission at least ninety days before the
 13 first day of the next excursion season as determined
 14 by the commission, shall identify the excursion
 15 gambling boat upon which gambling games will be
 16 authorized, shall specify the exact location where the
 17 excursion gambling boat will be docked, and shall be
 18 in a form and contain information as the commission
 19 prescribes. The minimum passenger capacity of an
 20 excursion gambling boat is two hundred fifty persons.

21 Sec. 39. Section 99F.6, subsection 4, paragraph a,
 22 Code Supplement 2003, is amended to read as follows:

23 a. Before a license is granted, the division of
 24 criminal investigation of the department of public
 25 safety shall conduct a thorough background
 26 investigation of the applicant for a license to
 27 operate a gambling game operation on an excursion
 28 gambling boat. The applicant shall provide

29 information on a form as required by the division of
30 criminal investigation. A qualified sponsoring
31 organization licensed to operate gambling games under
32 this chapter shall distribute the receipts of all
33 gambling games, less reasonable expenses, charges,
34 taxes, fees, and deductions allowed under this
35 chapter, as winnings to players or participants or
36 shall distribute the receipts for educational, civic,
37 public, charitable, patriotic, or religious uses as
38 defined in section 99B.7, subsection 3, paragraph "b".
39 However, a licensee to conduct gambling games under
40 this chapter shall, unless an operating agreement for
41 an excursion gambling boat otherwise provides,
42 distribute at least three percent of the adjusted
43 gross receipts for each license year for educational,
44 civic, public, charitable, patriotic, or religious
45 uses as defined in section 99B.7, subsection 3,
46 paragraph "b". However, if a licensee who is also
47 licensed to conduct pari-mutuel wagering at a horse
48 racetrack has unpaid debt from the pari-mutuel
49 racetrack operations, the first receipts of the
50 gambling games operated within the racetrack enclosure

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1 less reasonable operating expenses, taxes, and fees
2 allowed under this chapter shall be first used to pay
3 the annual indebtedness. The commission shall
4 authorize, subject to the debt payments for horse
5 racetracks and the provisions of paragraph "b" for dog
6 racetracks, a licensee who is also licensed to conduct
7 pari-mutuel dog or horse racing to use receipts from
8 gambling games within the racetrack enclosure to
9 supplement purses for races particularly for Iowa-bred
10 horses pursuant to an agreement which shall be
11 negotiated between the licensee and representatives of
12 the dog or horse owners. For each agreement
13 concerning purses for horse racing beginning on or
14 after January 1, 2006, and ending before January 1,
15 2021, the agreement shall provide that total annual
16 purses for horse racing at every racetrack enclosure
17 including any other qualified harness racing track
18 facility as may be approved or as approved by the
19 commission, that is subject to the agreement, shall be
20 no less than eleven percent of the first two hundred
21 million dollars of net receipts, and six percent of
22 net receipts above two hundred million dollars. A
23 qualified sponsoring organization shall not make a
24 contribution to a candidate, political committee,
25 candidate's committee, state statutory political
26 committee, county statutory political committee,
27 national political party, or fund-raising event as

28 these terms are defined in section 68A.102. The
 29 membership of the board of directors of a qualified
 30 sponsoring organization shall represent a broad
 31 interest of the communities. For purposes of this
 32 paragraph, "net receipts" means the annual adjusted
 33 gross receipts from all gambling games less the annual
 34 amount of money pledged by the owner of the facility
 35 to fund a project approved to receive vision Iowa
 36 funds as of July 1, 2004.

37 Sec. 40. Section 99F.7, subsection 1, Code 2003,
 38 is amended to read as follows:

39 1. If the commission is satisfied that this
 40 chapter and its rules adopted under this chapter
 41 applicable to licensees have been or will be complied
 42 with, the commission shall issue a license for a
 43 period of not more than three years to an applicant to
 44 own a gambling game operation and to an applicant to
 45 operate an excursion gambling boat. The commission
 46 shall decide which of the gambling games authorized
 47 under this chapter ~~is~~ the commission will permit. The
 48 commission shall decide the number, location, and type
 49 of excursion gambling boats licensed under this
 50 chapter for operation on the rivers, lakes, and

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1 reservoirs of this state. An excursion gambling boat
 2 may be located or operated on a natural or man-made
 3 lake or reservoir if the lake or reservoir is of
 4 sufficient size to accommodate recreational activity.
 5 An excursion gambling boat may also be located on a
 6 man-made basin or other body of water adjacent to a
 7 river, provided it is located no more than one
 8 thousand feet from the high water mark of the river,
 9 as established by the commission in consultation with
 10 the United States army corps of engineers, the
 11 department of natural resources, or other appropriate
 12 regulatory agency. The license shall set forth, as
 13 applicable, the name of the licensee, the type of
 14 license granted, the place where the excursion
 15 gambling boats will operate and dock, and the time and
 16 number of days during the excursion season and the off
 17 season when gambling may be conducted by the licensee.
 18 ~~The~~
 19 1A. a. An applicant for a license to conduct
 20 gambling games on an excursion gambling boat, and each
 21 licensee by June 30 of each year thereafter, shall
 22 indicate and have noted on the license whether the
 23 applicant or licensee will operate a moored barge, an
 24 excursion boat that will cruise, or an excursion boat
 25 that will not cruise subject to the requirements of
 26 this subsection. If the applicant or licensee will

27 operate a moored barge or an excursion boat that will
28 not cruise, the requirements of this chapter
29 concerning cruising shall not apply. If the
30 applicant's or licensee's excursion boat will cruise,
31 the applicant or licensee shall comply with the
32 cruising requirements of this chapter and the
33 commission shall not allow such a licensee to conduct
34 gambling games on an excursion gambling boat while
35 docked during the off season if the licensee does not
36 operate gambling excursions for a minimum number of
37 days during the excursion season. The commission may
38 delay the commencement of the excursion season at the
39 request of a licensee.

40 b. However, an applicant or licensee of an
41 excursion gambling boat that is located in the same
42 county as a racetrack enclosure conducting gambling
43 games shall not be allowed to operate a moored barge
44 unless either of the following applies:

45 (1) If the licensee is located in the same county
46 as a racetrack enclosure conducting gambling games
47 that had less than one hundred million dollars in
48 adjusted gross receipts from gambling games for the
49 fiscal year beginning July 1, 2003, the licensee of an
50 excursion gambling boat is authorized to operate a

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1 moored barge if the licensee, the licensee of the
2 racetrack enclosure, and all other licensees of an
3 excursion gambling boat in that county file an
4 agreement with the commission agreeing to the granting
5 of a table games license under this chapter and
6 permitting all licensees of an excursion gambling boat
7 in the county to operate a moored barge as of a
8 specific date.

9 (2) If the licensee is located in the same county
10 as a racetrack enclosure conducting gambling games
11 that had one hundred million dollars or more in
12 adjusted gross receipts from gambling games for the
13 fiscal year beginning July 1, 2003, the licensee of an
14 excursion gambling boat is authorized to operate a
15 moored barge the earlier of July 1, 2007, or the date
16 any form of gambling games, as defined in this
17 chapter, is authorized in any state that is contiguous
18 to the county where the licensee is located.

19 Sec. 41. Section 99F.7, subsection 3, Code 2003,
20 is amended to read as follows:

21 3. The commission shall require, as a condition of
22 granting a license, that an applicant to operate an
23 excursion gambling boat develop, and as nearly as
24 practicable, recreate boats or moored barges that
25 resemble Iowa's riverboat history.

26 Sec. 42. Section 99F.7, subsection 4, Code 2003,
27 is amended to read as follows:

28 4. The commission shall require that an applicant
29 utilize Iowa resources, goods and services in the
30 operation of an excursion gambling boat. The
31 commission shall develop standards to assure that a
32 substantial amount of all resources and goods used in
33 the operation of an excursion gambling boat ~~come~~
34 emanate from and are made in Iowa and that a
35 substantial amount of all services and entertainment
36 ~~be~~ are provided by Iowans.

37 Sec. 43. Section 99F.7, subsection 5, paragraph b,
38 Code 2003, is amended by striking the paragraph.

39 Sec. 44. Section 99F.7, subsection 9, Code 2003,
40 is amended to read as follows:

41 9. a. A licensee shall not loan to any person
42 money or any other thing of value for the purpose of
43 permitting that person to wager on any game of chance.

44 b. ~~A licensee shall not permit a financial~~
45 ~~institution, vendor, or other person to dispense cash~~
46 ~~or credit through an electronic or mechanical device~~
47 ~~including but not limited to a satellite terminal, as~~
48 ~~defined in section 527.2, that is located on the~~
49 ~~gaming floor.~~

50 Sec. 45. Section 99F.7, subsection 10, paragraph

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1 e, Code 2003, is amended to read as follows:

2 e. After a referendum has been held which defeated
3 a proposal to conduct gambling games on excursion
4 gambling boats or which defeated a proposal to conduct
5 gambling games at a licensed pari-mutuel racetrack
6 enclosure as provided in this section, another
7 referendum on a proposal to conduct gambling games on
8 an excursion gambling boat or at a licensed pari-
9 mutuel racetrack shall not be held for at least ~~two~~
10 eight years.

11 Sec. 46. Section 99F.7, subsection 13, Code 2003,
12 is amended to read as follows:

13 13. An excursion gambling boat operated on inland
14 waters of this state ~~or an excursion boat that has~~
15 ~~been removed from navigation and is designated as a~~
16 ~~permanently moored vessel by the United States coast~~
17 ~~guard shall be subject to the exclusive jurisdiction~~
18 ~~of the department of natural resources and~~ meet all of
19 the requirements of chapter 462A and is further
20 subject to an inspection of its sanitary facilities to
21 protect the environment and water quality before a
22 certificate of registration is issued by the
23 department of natural resources or a license is issued
24 or renewed under this chapter.

25 Sec. 47. Section 99F.9, subsection 5, Code 2003,
26 is amended to read as follows:

27 5. A person under the age of twenty-one years
28 shall not make or attempt to make a wager on an
29 excursion gambling boat or in a racetrack enclosure
30 and shall not be allowed in the area on the gaming
31 floor of the an excursion gambling boat where gambling
32 is being conducted or in the wagering area, as defined
33 in section 99D.2, or on the gaming floor of a
34 racetrack enclosure. However, a person eighteen years
35 of age or older may be employed to work in a gambling
36 area on the gaming floor of an excursion gambling boat
37 or in the wagering area or on the gaming floor of a
38 racetrack enclosure. A person who violates this
39 subsection with respect to making or attempting to
40 make a wager commits a scheduled violation under
41 section 805.8C, subsection 4.

42 Sec. 48. Section 99F.10, Code 2003, is amended to
43 read as follows:

44 99F.10 ADMISSION REGULATORY FEE — TAX — LOCAL
45 FEES.

46 1. A qualified sponsoring organization conducting
47 gambling games on an excursion gambling boat licensed
48 under section 99F.7 shall pay the tax imposed by
49 section 99F.11.

50 2. An excursion gambling boat licensee shall pay

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1 to the commission ~~an admission a regulatory fee for~~
2 ~~each person embarking on an excursion gambling boat~~
3 ~~with a ticket of admission to be charged as provided~~
4 ~~in this section. The admission fee shall be set by~~
5 ~~the commission.~~

6 a. ~~If tickets are issued which are good for more~~
7 ~~than one excursion, the admission fee shall be paid~~
8 ~~for each person using the ticket on each excursion~~
9 ~~that the ticket is used.~~

10 b. ~~If free passes or complimentary admission~~
11 ~~tickets are issued, the licensee shall pay the same~~
12 ~~fee upon these passes or complimentary tickets as if~~
13 ~~they were sold at the regular and usual admission~~
14 ~~rate.~~

15 e. ~~However, the excursion boat licensee may issue~~
16 ~~fee free passes to actual and necessary officials and~~
17 ~~employees of the licensee or other persons actually~~
18 ~~working on the excursion gambling boat.~~

19 d. ~~The issuance of fee free passes is subject to~~
20 ~~the rules of the commission, and a list of all persons~~
21 ~~to whom the fee free passes are issued shall be filed~~
22 ~~with the commission.~~

23 3. ~~In addition to the admission fee charged under~~

24 ~~subsection 2 and subject~~ Subject to approval of
 25 excursion gambling boat docking by the voters, a city
 26 may adopt, by ordinance, an admission fee not
 27 exceeding fifty cents for each person embarking on an
 28 excursion gambling boat docked within the city or a
 29 county may adopt, by ordinance, an admission fee not
 30 exceeding fifty cents for each person embarking on an
 31 excursion gambling boat docked outside the boundaries
 32 of a city. The admission revenue received by a city
 33 or a county shall be credited to the city general fund
 34 or county general fund as applicable.

35 4. In determining the license fees and state
 36 ~~admission regulatory~~ fees to be charged as provided
 37 under section 99F.4 and this section, the commission
 38 shall use the amount appropriated to the commission
 39 plus the cost of salaries for no more than two special
 40 agents and no more than four gaming enforcement
 41 officers for each excursion gambling boat, plus any
 42 direct and indirect support costs for the agents and
 43 officers, for the division of criminal investigation's
 44 excursion gambling boat activities ~~and an amount for~~
 45 ~~all licensees, not to exceed one hundred twenty five~~
 46 ~~thousand dollars, representing other associated costs~~
 47 ~~of the division,~~ as the basis for determining the
 48 amount of revenue to be raised from the license fees
 49 and ~~admission regulatory~~ fees. ~~The division's salary~~
 50 ~~costs shall be limited to eighty percent of the salary~~

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1 ~~costs for special agents and eighty percent of the~~
 2 ~~salary costs for gaming enforcement for personnel~~
 3 ~~assigned to excursion gambling boats who enforce laws~~
 4 ~~and rules adopted by the commission.~~

5 5. No other license tax, permit tax, occupation
 6 tax, excursion fee, or taxes on fees shall be levied,
 7 assessed, or collected from a licensee by the state or
 8 by a political subdivision, except as provided in this
 9 chapter.

10 6. No other excise tax shall be levied, assessed,
 11 or collected from the licensee relating to gambling
 12 excursions or admission charges by the state or by a
 13 political subdivision, except as provided in this
 14 chapter.

15 7. In addition to any other fees required by this
 16 chapter, a person awarded a new license to conduct
 17 gambling games pursuant to section 99F.7 on or after
 18 January 1, 2004, shall pay the applicable initial
 19 license fee to the commission as provided by this
 20 subsection. A person awarded a new license shall pay
 21 one-third of the applicable initial license fee
 22 immediately upon the granting of the license, one-

23 third of the applicable initial license fee within one
 24 year of the granting of the license, and the remaining
 25 one-third of the applicable initial license fee within
 26 two years of the granting of the license. However,
 27 the license fee provided for in this subsection shall
 28 not apply when a licensed facility is sold and a new
 29 license is issued to the purchaser. Fees paid
 30 pursuant to this subsection are not refundable to the
 31 licensee. For purposes of this subsection, the
 32 applicable initial license fee shall be five million
 33 dollars if the population of the county where the
 34 licensee shall conduct gambling games is fifteen
 35 thousand or less based upon the most recent federal
 36 decennial census, shall be ten million dollars if the
 37 population of the county where the licensee shall
 38 conduct gambling games is more than fifteen thousand
 39 and less than one hundred thousand based upon the most
 40 recent federal decennial census, and shall be twenty
 41 million dollars if the population of the county where
 42 the licensee shall conduct gambling games is one
 43 hundred thousand or more based upon the most recent
 44 federal decennial census. Moneys collected by the
 45 commission from an initial license fee paid under this
 46 subsection shall be deposited in the rebuild Iowa
 47 infrastructure fund created in section 8.57.
 48 Sec. 49. Section 99F.11, Code Supplement 2003, is
 49 amended to read as follows:
 50 99F.11 WAGERING TAX — RATE — ALLOCATIONS.

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1 1. A tax is imposed on the adjusted gross receipts
 2 received ~~annually~~ each fiscal year from gambling game
 3 authorized under this chapter at the rate of five
 4 percent on the first one million dollars of adjusted
 5 gross receipts, and at the rate of ten percent on the
 6 next two million dollars of adjusted gross receipts,7
 7 and at the rate of twenty percent
 8 2. The tax rate imposed each fiscal year on any
 9 amount of adjusted gross receipts over three million
 10 dollars. However, beginning January 1, 1997, the rate
 11 on any amount of adjusted gross receipts over three
 12 million dollars from gambling games at racetrack
 13 enclosures is twenty two percent and shall increase by
 14 two percent each succeeding calendar year until the
 15 rate is thirty six percent. shall be as follows:
 16 a. If the licensee is an excursion gambling boat,
 17 twenty-two percent.
 18 b. If the licensee is a racetrack enclosure
 19 conducting gambling games and another licensee that is
 20 an excursion gambling boat is located in the same
 21 county, then the following rate, as applicable:

22 (1) If the licensee of the racetrack enclosure has
 23 not been issued a table games license during the
 24 fiscal year or if the adjusted gross receipts from
 25 gambling games of the licensee in the prior fiscal
 26 year were less than one hundred million dollars,
 27 twenty-two percent.

28 (2) If the licensee of the racetrack enclosure has
 29 been issued a table games license during the fiscal
 30 year or prior fiscal year and the adjusted gross
 31 receipts from gambling games of the licensee in the
 32 prior fiscal year were one hundred million dollars or
 33 more, twenty-two percent on adjusted gross receipts
 34 received prior to the operational date and twenty-four
 35 percent on adjusted gross receipts received on or
 36 after the operational date. For purposes of this
 37 subparagraph, the operational date is the date the
 38 commission determines table games became operational
 39 at the racetrack enclosure.

40 c. If the licensee is a racetrack enclosure
 41 conducting gambling games and no licensee that is an
 42 excursion gambling boat is located in the same county,
 43 twenty-four percent.

44 3. The taxes imposed by this section shall be paid
 45 by the licensee to the treasurer of state within ten
 46 days after the close of the day when the wagers were
 47 made and shall be distributed as follows:

48 ~~1. a.~~ If the gambling excursion originated at a
 49 dock located in a city, one-half of one percent of the
 50 adjusted gross receipts shall be remitted to the

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1 treasurer of the city in which the dock is located and
 2 shall be deposited in the general fund of the city.
 3 Another one-half of one percent of the adjusted gross
 4 receipts shall be remitted to the treasurer of the
 5 county in which the dock is located and shall be
 6 deposited in the general fund of the county.

7 ~~2. b.~~ If the gambling excursion originated at a
 8 dock located in a part of the county outside a city,
 9 one-half of one percent of the adjusted gross receipts
 10 shall be remitted to the treasurer of the county in
 11 which the dock is located and shall be deposited in
 12 the general fund of the county. Another one-half of
 13 one percent of the adjusted gross receipts shall be
 14 remitted to the treasurer of the Iowa city nearest to
 15 where the dock is located and shall be deposited in
 16 the general fund of the city.

17 ~~3. c. Three tenths~~ One-half of one percent of the
 18 adjusted gross receipts shall be deposited in the
 19 gambling treatment fund ~~specified in section 99G.39,~~
 20 ~~subsection 1, paragraph "a"~~ created in section

21 135.150.

22 d. One-half of one percent of the adjusted gross
 23 receipts shall be deposited in the county endowment
 24 fund created in section 15E.311.

25 ~~4. e.~~ The remaining amount of the adjusted gross
 26 receipts tax shall be credited to the general fund of
 27 the state.

28 Sec. 50. Section 99F.12, Code 2003, is amended to
 29 read as follows:

30 99F.12 LICENSEES — RECORDS — REPORTS —
 31 SUPERVISION.

32 1. A licensee shall keep its books and records so
 33 as to clearly show all of the following:

34 ~~1. a.~~ The total number of admissions ~~to gambling~~
 35 ~~excursions conducted by the licensee on each day,~~
 36 ~~including the number of admissions upon free passes or~~
 37 ~~complimentary tickets for each day of operation.~~

38 ~~2. b.~~ The amount received daily from admission
 39 ~~fees.~~

40 ~~3.~~ The total amount of money wagered ~~during each~~
 41 ~~excursion day~~ and the adjusted gross receipts for ~~the~~
 42 each day of operation.

43 2. The licensee shall furnish to the commission
 44 reports and information as the commission may require
 45 with respect to its activities. The gross receipts
 46 and adjusted gross receipts from gambling shall be
 47 separately handled and accounted for from all other
 48 moneys received from operation of an excursion
 49 gambling boat or from operation of a racetrack
 50 enclosure licensed to conduct gambling games. The

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1 commission may designate a representative to board a
 2 licensed excursion gambling boat or to enter a
 3 racetrack enclosure licensed to conduct gambling
 4 games, who shall have full access to all places within
 5 the enclosure of the boat or the racetrack enclosure,
 6 who shall directly supervise the handling and
 7 accounting of all gross receipts and adjusted gross
 8 receipts from gambling, and who shall supervise and
 9 check the admissions. The compensation of a
 10 representative shall be fixed by the commission but
 11 shall be paid by the licensee.

12 3. The books and records kept by a licensee as
 13 provided by this section are public records and the
 14 examination, publication, and dissemination of the
 15 books and records are governed by the provisions of
 16 chapter 22.

17 Sec. 51. Section 99F.13, Code 2003, is amended to
 18 read as follows:

19 99F.13 ANNUAL AUDIT OF LICENSEE OPERATIONS.

20 Within ninety days after the end of the licensee's
 21 fiscal year, the licensee shall transmit to the
 22 commission an audit of the ~~financial transactions and~~
 23 ~~condition of the licensee's total gambling operations,~~
 24 ~~including an itemization of all expenses and~~
 25 ~~subsidies.~~ All audits shall be conducted by certified
 26 public accountants registered or licensed in the state
 27 of Iowa under chapter 542 who are selected by the
 28 board of supervisors of the county in which the
 29 licensee operates.

30 Sec. 52. Section 99F.17, subsections 5 and 6, Code
 31 2003, are amended to read as follows:

32 5. The manufacturer or distributor of gambling
 33 games or implements of gambling shall provide the
 34 commission with a copy of the invoice written notice
 35 showing the items shipped to the licensee and a copy
 36 of the bill of lading.

37 6. Subsection 2 does not apply in the following
 38 cases, if approved by the commission:

39 a. Gambling games or implements of gambling
 40 previously installed ~~on an excursion gambling boat in~~
 41 a gambling location licensed in another jurisdiction.

42 b. Gambling games or implements of gambling
 43 previously installed ~~on an excursion gambling boat in~~
 44 a gambling location licensed in this state.

45 Sec. 53. Section 99G.39, subsection 1, paragraph
 46 a, Code Supplement 2003, is amended to read as
 47 follows:

48 a. An amount equal to ~~three tenths~~ one-half of one
 49 percent of the gross lottery revenue for the year
 50 shall be deposited in ~~a~~ the gambling treatment fund ~~in~~

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1 ~~the office of the treasurer of state created in~~
 2 section 135.150.

3 Sec. 54. NEW SECTION. 135.150 GAMBLING TREATMENT
 4 FUND.

5 1. A gambling treatment fund is created in the
 6 state treasury under the control of the department.
 7 The fund consists of all moneys appropriated to the
 8 fund. However, if moneys appropriated to the fund in
 9 a fiscal year exceed six million dollars, the amount
 10 exceeding six million dollars shall be transferred to
 11 the rebuild Iowa infrastructure fund created in
 12 section 8.57. Moneys in the fund are appropriated to
 13 the department for the purposes described in this
 14 section.

15 2. Moneys appropriated to the department under
 16 this section shall be for the purpose of operating a
 17 gambling treatment program and shall be used for
 18 funding of administrative costs and to provide

19 programs which may include, but are not limited to,
20 outpatient and follow-up treatment for persons
21 affected by problem gambling, rehabilitation and
22 residential treatment programs, information and
23 referral services, crisis call access, education and
24 preventive services, and financial management and
25 credit counseling services.

26 3. Notwithstanding section 12C.7, subsection 2,
27 interest or earnings on moneys deposited in the
28 gambling treatment fund shall be credited to the
29 gambling treatment fund. Notwithstanding section
30 8.33, moneys credited to the gambling treatment fund
31 shall not revert to the fund from which appropriated
32 at the close of a fiscal year.

33 4. The department shall report semiannually to the
34 legislative government oversight committees regarding
35 the operation of the gambling treatment fund and
36 program. The report shall include, but is not limited
37 to, information on revenues and expenses related to
38 the fund for the previous period, fund balances for
39 the period, and moneys expended and grants awarded for
40 operation of the gambling treatment program.

41 Sec. 55. Section 421.17, Code Supplement 2003, is
42 amended by adding the following new subsection:

43 NEW SUBSECTION. 28. To administer the county
44 endowment fund created in section 15E.311.

45 Sec. 56. NEW SECTION. 725.19 GAMBLING BY MINORS.

46 1. Any person under the age of twenty-one years
47 shall not make or attempt to make a gambling wager,
48 except as permitted under chapter 99B. A person who
49 violates this subsection commits a scheduled violation
50 under section 805.8C, subsection 4.

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1 2. A person who knowingly permits a person under
2 the age of twenty-one years to make or attempt to make
3 a gambling wager, except as permitted under chapter
4 99B, is guilty of a simple misdemeanor.

5 Sec. 57. Section 805.8C, Code 2003, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 4. GAMBLING VIOLATIONS. For
8 violations of legal age for gambling wagering under
9 section 99D.11, subsection 7, section 99F.9,
10 subsection 5, and section 725.19, subsection 1, the
11 scheduled fine is five hundred dollars. Failure to
12 pay the fine by a person under the age of eighteen
13 shall not result in the person being detained in a
14 secure facility.

15 Sec. 58. Sections 99D.14A and 99F.10A, Code 2003,
16 are repealed.

17 Sec. 59. SOCIOECONOMIC STUDY OF GAMBLING.

18 1. The legislative council shall commission a
 19 study by an independent entity to study the
 20 socioeconomic impact of gambling on Iowans. The
 21 legislative council is authorized to expend up to one
 22 hundred thousand dollars to complete the study. The
 23 legislative council shall make the report available by
 24 July 1, 2005.

25 2. The study shall be an empirical study and
 26 include, but not be limited to, the following matters:
 27 a. The economic impact of gambling on communities
 28 and other businesses.
 29 b. The impact of gambling, if any, on family
 30 finances and family relations in general.
 31 c. Demographic information on gamblers.
 32 d. An assessment of the impact, if any, of
 33 pathological or problem gambling on individuals,
 34 families, social institutions, criminal activity, and
 35 the economy.
 36 e. Other relevant issues to fully examine the
 37 socioeconomic impact of gambling.

38 Sec. 60. TRANSITION PROVISIONS — EXCURSION
 39 GAMBLING BOAT CRUISING. A licensee authorized to
 40 conduct gambling games on an excursion gambling boat
 41 pursuant to chapter 99F as of January 1, 2004, shall,
 42 no later than June 1, 2004, notify the racing and
 43 gaming commission in writing if the licensee intends
 44 to operate a moored barge, an excursion boat that will
 45 cruise, or an excursion boat that will not cruise.
 46 However, a licensee that is located in the same county
 47 as a licensee of a racetrack enclosure that conducts
 48 gambling games that had less than one hundred million
 49 dollars in adjusted gross receipts from gambling games
 50 for the fiscal year beginning July 1, 2003, shall only

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1 be allowed to operate a moored barge if the licensee,
 2 the licensee of the racetrack enclosure, and all other
 3 licensees of an excursion gambling boat in that county
 4 file an agreement with the commission agreeing to the
 5 granting of a table games license under chapter 99F
 6 and permitting all licensees of an excursion gambling
 7 boat to operate a moored barge as of a specific date.
 8 The racing and gaming commission shall make the
 9 election of each licensee under this section public by
 10 June 7, 2004. A licensee who initially elects to
 11 operate a moored barge or an excursion boat that will
 12 not cruise may, no later than June 30, 2004, change
 13 its election and elect to operate an excursion boat
 14 that will cruise.

15 Sec. 61. 2004–2005–2006 REBUILD IOWA
 16 INFRASTRUCTURE ASSESSMENTS.

17 1. Notwithstanding any provision of chapter 99F to
18 the contrary and in addition to taxes imposed pursuant
19 to section 99F.11, a rebuild Iowa infrastructure
20 assessment is imposed on each licensee authorized to
21 conduct gambling games pursuant to chapter 99F as of
22 January 1, 2004, as provided in this section.

23 2. a. A 2004 rebuild Iowa infrastructure
24 assessment is imposed for each licensee of a pari-
25 mutuel racetrack enclosure licensed to conduct
26 gambling games at the racetrack enclosure under
27 chapter 99F as of January 1, 2004, and determined as
28 follows:

29 (1) If the adjusted gross receipts from gambling
30 games of the licensee in the prior fiscal year were
31 less than one hundred million dollars and another
32 licensee that is an excursion gambling boat is located
33 in the same county as the licensee, then the
34 assessment on that licensee shall be one million six
35 hundred fourteen thousand five hundred sixty-nine
36 dollars.

37 (2) If the adjusted gross receipts from gambling
38 games of the licensee in the prior fiscal year were
39 one hundred million dollars or more and another
40 licensee that is an excursion gambling boat is located
41 in the same county as the licensee, then the
42 assessment on that licensee shall be ten million
43 eighty-seven thousand six hundred eighty dollars.

44 (3) If no licensee of an excursion gambling boat
45 is located in the same county as the licensee, then
46 the assessment on that licensee shall be eleven
47 million eight hundred sixty-eight thousand three
48 hundred fifty-two dollars.

49 b. The 2004 rebuild Iowa infrastructure assessment
50 provided in this subsection shall be paid by June 1,

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1 2004. The racing and gaming commission shall revoke
2 the license to conduct gambling games of any licensee
3 that fails to pay the 2004 rebuild Iowa infrastructure
4 assessment as provided in this subsection.

5 3. a. A 2005 rebuild Iowa infrastructure
6 assessment is imposed at the rate of two and one
7 hundred fifty-two thousandths percent on the estimated
8 adjusted gross receipts amount for each licensee of an
9 excursion gambling boat licensed to conduct gambling
10 games on an excursion gambling boat under chapter 99F
11 as of January 1, 2004. For purposes of this
12 subsection, the estimated adjusted gross receipts
13 amount for a licensee is the amount of adjusted gross
14 receipts from gambling games the revenue estimating
15 conference estimated, as of the most recent meeting of

16 the revenue estimating conference held prior to the
17 effective date of this section of this Act, a facility
18 licensed to conduct gambling games on an excursion
19 gambling boat will receive for the fiscal year
20 beginning July 1, 2004, and ending June 30, 2005.

21 b. The 2005 rebuild Iowa infrastructure assessment
22 provided in this subsection shall be paid by June 1,
23 2005, which assessment may be offset by the licensee
24 against taxes imposed on the licensee by section
25 99F.11 to the extent of twenty percent of the
26 assessment paid pursuant to this subsection for each
27 of five consecutive fiscal years beginning with the
28 fiscal year beginning July 1, 2010. The racing and
29 gaming commission shall revoke the license to conduct
30 gambling games of any licensee that fails to pay the
31 2005 rebuild Iowa infrastructure assessment as
32 provided in this subsection.

33 4. a. A 2006 rebuild Iowa infrastructure
34 assessment is imposed at the rate of two and one
35 hundred fifty-two thousandths percent on the estimated
36 adjusted gross receipts amount for each licensee of an
37 excursion gambling boat licensed to conduct gambling
38 games on an excursion gambling boat under chapter 99F
39 as of January 1, 2004. For purposes of this
40 subsection, the estimated adjusted gross receipts
41 amount for a licensee is the amount of adjusted gross
42 receipts from gambling games the revenue estimating
43 conference estimated, as of the most recent meeting of
44 the revenue estimating conference held prior to the
45 effective date of this section of this Act, a facility
46 licensed to conduct gambling games on an excursion
47 gambling boat will receive for the fiscal year
48 beginning July 1, 2004, and ending June 30, 2005.

49 b. The 2006 rebuild Iowa infrastructure assessment
50 provided in this subsection shall be paid by June 1,

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1 2006, which assessment may be offset by the licensee
2 against taxes imposed on the licensee by section
3 99F.11 to the extent of twenty percent of the
4 assessment paid pursuant to this subsection for each
5 of five consecutive fiscal years beginning with the
6 fiscal year beginning July 1, 2010. The racing and
7 gaming commission shall revoke the license to conduct
8 gambling games of any licensee that fails to pay the
9 2006 rebuild Iowa infrastructure assessment as
10 provided in this subsection.

11 5. The 2004, 2005, and 2006 rebuild Iowa
12 infrastructure assessments imposed by this section
13 shall be deposited in the rebuild Iowa infrastructure
14 fund created in section 8.57.

15 Sec. 62. RACETRACK LICENSEE RENEWALS — AUCTION OF
16 LICENSES.

17 1. Notwithstanding any provisions of chapter 99D
18 or 99F to the contrary, the racing and gaming
19 commission shall not renew or reissue licenses to
20 conduct pari-mutuel wagering and gambling games for
21 licensees of racetrack enclosures in Polk county and
22 Dubuque county.

23 2. Notwithstanding any provision of chapter 99D or
24 99F to the contrary, the racing and gaming commission
25 shall establish a process by which licenses for Polk
26 county and for Dubuque county shall be issued to a
27 person otherwise authorized to hold a license under
28 chapters 99D and 99F pursuant to an auction conducted
29 by the commission. The auction process shall provide
30 that a minimum bid for the issuance of a license to a
31 person to operate a licensed facility in Polk county
32 shall be one hundred fifty million dollars, and the
33 minimum bid for the issuance of a license to a person
34 to operate a licensed facility in Dubuque county shall
35 be ten million dollars.

36 3. If a license to conduct pari-mutuel wagering at
37 a racetrack enclosure is issued pursuant to this
38 section, the holder of the newly issued license shall
39 be authorized to receive a license to conduct gambling
40 games at the racetrack enclosure notwithstanding any
41 provision of chapter 99F to the contrary.

42 Sec. 63. EFFECTIVE DATE — RETROACTIVE
43 APPLICABILITY.

44 1. The section of this Act amending section 99D.6
45 takes effect April 1, 2004. If this Act is enacted
46 after April 1, 2004, the section of this Act amending
47 section 99D.6, being deemed of immediate importance,
48 takes effect upon enactment and is retroactively
49 applicable to April 1, 2004, and is applicable on and
50 after that date.

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1 2. The section of this Act amending section
2 99D.25, subsection 5, takes effect April 1, 2004. If
3 this Act is enacted after April 1, 2004, the section
4 of this Act amending section 99D.25, subsection 5,
5 being deemed of immediate importance, takes effect
6 upon enactment and is retroactively applicable to
7 April 1, 2004, and is applicable on and after that
8 date.

9 3. The section of this Act amending section 99F.1,
10 subsection 10, being deemed of immediate importance,
11 takes effect upon enactment.

12 4. The section of this Act amending section
13 99F.4A, subsection 8, being deemed of immediate

- 14 importance, takes effect upon enactment.
 15 5. The section of this Act amending section 99F.5,
 16 subsection 1, being deemed of immediate importance,
 17 takes effect upon enactment.
 18 6. The section of this Act amending section 99F.7,
 19 subsection 10, paragraph “e”, being deemed of
 20 immediate importance, takes effect upon enactment and
 21 is retroactively applicable to referendums held on or
 22 after January 1, 2002.
 23 7. The section of this Act requiring a
 24 socioeconomic study of gambling, being deemed of
 25 immediate importance, takes effect upon enactment.
 26 8. The section of this Act establishing transition
 27 provisions concerning excursion gambling boat
 28 cruising, being deemed of immediate importance, takes
 29 effect upon enactment.
 30 9. The section of this Act establishing 2004,
 31 2005, and 2006 rebuild Iowa infrastructure
 32 assessments, being deemed of immediate importance,
 33 takes effect upon enactment.
 34 10. The section of this Act providing for
 35 racetrack licensee issuance and an auction of
 36 licenses, being deemed of immediate importance, takes
 37 effect upon enactment.”
 38 2. Title page, by striking lines 3 through 5 and
 39 inserting the following: “excursion gambling boats,
 40 including pari-mutuel wagering, horse purses and”.

COMMITTEE ON WAYS AND MEANS
 LARRY McKIBBEN, Chair

S-5313

- 1 Amend Senate File 2305 as follows:
 2 1. By striking page 1, line 24 through page 3,
 3 line 11, and inserting the following:
 4 “Sec. __. NEW SECTION. 135.26 FREE HEALTH
 5 CLINIC FUND.
 6 1. A free health clinic fund is created in the
 7 state treasury under the control of the department.
 8 The fund is composed of moneys appropriated or
 9 available to and obtained or accepted by the treasurer
 10 of state for deposit in the fund. The fund shall
 11 include moneys credited to the fund as provided in
 12 section 422.12G, and moneys in the form of a devise,
 13 gift, bequest, donation, or federal or other grant
 14 intended to be used for the purposes of the fund.
 15 2. Notwithstanding section 12C.7, subsection 2,
 16 interest or earnings on moneys in the fund shall be
 17 credited to the fund. Section 8.33 does not apply to
 18 moneys in the fund.
 19 3. Moneys in the fund are appropriated to the

20 department of public health for the purposes of
21 providing financial assistance to public and private
22 organizations for constructing, equipping, or
23 operating free health clinics in this state.

24 4. The department may make awards of financial
25 assistance upon approval of an application from a
26 private or public organization. An applicant shall
27 submit a plan for use of the funds along with its
28 application. The department, in conjunction with the
29 health facilities council, shall establish standards
30 relating to the application and award process.”

31 2. Page 4, by inserting after line 26, the
32 following:

33 “Sec. ____ NEW SECTION. 422.12G INCOME TAX
34 REFUND CHECKOFF FOR FREE HEALTH CLINIC FUND.

35 1. A person who files an individual or a joint
36 income tax return with the department of revenue under
37 section 422.13 may designate three dollars or more to
38 be paid to the free health clinic fund as created in
39 section 135.26. If the refund due on the return or
40 the payment remitted with the return is insufficient
41 to pay the additional amount designated by the
42 taxpayer to the free health clinic fund, the amount
43 designated shall be reduced to the remaining amount of
44 refund or the remaining amount remitted with the
45 return. The designation of a contribution to the free
46 health clinic fund under this section is irrevocable.

47 2. The director of revenue shall draft the income
48 tax form to allow the designation of contributions to
49 the free health clinic fund on the tax return. The
50 department of revenue, on or before January 31, shall

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1 certify the total amount designated on the tax return
2 forms due in the preceding calendar year and shall
3 report the amount to the treasurer of state. The
4 treasurer of state shall credit the amount to the free
5 health clinic fund. However, before a checkoff
6 pursuant to this section is permitted, all liabilities
7 on the books of the department of revenue and accounts
8 identified as owing under section 421.17 and the
9 political contribution allowed under section 68A.601
10 shall be satisfied.

11 3. Moneys in the free health clinic fund are
12 appropriated as provided in section 135.26.

13 4. The department of revenue shall adopt rules to
14 administer this section.

15 5. This section is subject to repeal under section
16 422.12E.”

17 3. Page 4, by striking lines 30 and 31, and
18 inserting the following:

19 “Sec. _____. The sections of this Act enacting
 20 sections 422.12F and 422.12G apply retroactively to”.
 21 4. Title page, lines 3 and 4, by striking the
 22 words “the keep Iowa beautiful fund,” and inserting
 23 the following: “deposit in the free health clinic
 24 fund.”.

MARY LUNDBY
 ROBERT E. DVORSKY

S-5314

1 Amend Senate File 2304 as follows:
 2 1. Page 4, line 1, by inserting before the word
 3 “This” the following: “1.”
 4 2. Page 4, line 4, by striking the word
 5 “provisions” and inserting the following: “sections
 6 44 through 72”.
 7 3. Page 4, by inserting after line 5 the
 8 following:
 9 “2. If this Act takes effect as provided in
 10 subsection 1, this Act applies retroactively to June
 11 19, 2003, for the purpose of repealing the amendment
 12 of income tax rates for tax years beginning in
 13 calendar year 2004.”
 14 4. Title page, line 3, by inserting after the
 15 word “effectiveness” the following: “and retroactive
 16 applicability”.

DOUG SHULL

S-5315

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 25, by inserting after line 16 the
 5 following:
 6 “Sec. _____. DEPARTMENT OF PUBLIC SAFETY — SPECIAL
 7 AGENT AUTHORIZATION. For the fiscal year beginning
 8 July 1, 2004, the department of public safety, with
 9 the approval of the department of management, may
 10 employ one additional special agent for each racetrack
 11 facility that is issued a table games license pursuant
 12 to this Act during the fiscal year which begins July
 13 1, 2004. Positions authorized in this section are in
 14 addition to special agent positions otherwise
 15 authorized for the department of public safety.”
 16 2. By renumbering as necessary.

MARK ZIEMAN

S-5316

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 12, by inserting after line 40 the
5 following:
6 "Sec. ___. Section 99F.4A, subsection 2, Code
7 2003, is amended by striking the subsection."
8 2. Page 17, by inserting after line 49 the
9 following:
10 "Sec. ___. Section 99F.7, subsection 10, paragraph
11 c, Code 2003, is amended to read as follows:
12 c. If a licensee of a pari-mutuel racetrack who
13 held a valid license issued under chapter 99D ~~as of~~
14 ~~January 1, 1994~~, requests a license to operate
15 gambling games as provided in this chapter, the board
16 of supervisors of a county in which the licensee of a
17 pari-mutuel racetrack requests a license to operate
18 gambling games shall submit to the county electorate a
19 proposition to approve or disapprove the operation of
20 gambling games at pari-mutuel racetracks at a special
21 election at the earliest practicable time. If the
22 operation of gambling games at the pari-mutuel
23 racetrack is not approved by a majority of the county
24 electorate voting on the proposition at the election,
25 the commission shall not issue a license to operate
26 gambling games at the racetrack."
27 3. By renumbering as necessary.

JEFF ANGELO
HUBERT HOUSER

S-5317

- 1 Amend the amendment, S-5309, to House File 2562, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 1, line 4, by inserting after the words
5 "class "B"" the following: "or class "C"".
 - 6 2. Page 1, line 8, by inserting after the words
7 "class "B"" the following: "or class "C"".
 - 8 3. Page 1, line 16, by inserting after the words
9 "class "B"" the following: "or class "C"".
 - 10 4. Page 1, line 21, by inserting after the words
11 "class "B"" the following: "or class "C"".
 - 12 5. Page 1, line 33, by inserting after the words
13 "class "B"" the following: "or class "C"".
 - 14 6. Page 1, line 38, by inserting after the words
15 "class "B"" the following: "or class "C"".
 - 16 7. Page 1, line 40, by inserting after the words
17 "class "B"" the following: "or class "C"".

- 18 8. Page 1, line 46, by inserting after the words
 19 “class “B”” the following: “or class “C””.
- 20 9. Page 1, line 50, by inserting after the words
 21 “class “B”” the following: “or class “C””.

DOUG SHULL

S-5318

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 “1. Page 15, line 45, by inserting after the word
 5 “boat.” the following: “If the commission issues any
 6 additional licenses to conduct gambling games under
 7 this chapter in addition to the number of licenses
 8 issued as of January 1, 2004, such license shall only
 9 be issued for a facility if the applicant facility
 10 will be located more than fifty miles from a facility
 11 to which a license to conduct gambling games has been
 12 granted under this chapter or a gaming facility
 13 operated under the authority of the federal Indian
 14 Gaming Regulatory Act, 25 U.S.C. § 2701 et seq.”

MARY LUNDBY

S-5319

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
- 4 1. Page 6, line 15, by inserting before the words
 5 “A licensee” the following: “a.”
- 6 2. Page 6, by inserting after line 28 the
 7 following:
- 8 “b. A licensee shall pay to the commission an
 9 admission fee of ten dollars for each person entering
 10 the grounds or enclosure of the licensee. The
 11 admission revenue received by the commission pursuant
 12 to this paragraph shall be credited to the gaming
 13 admission fee distribution fund created in section
 14 99F.19.”
- 15 3. Page 12, line 43, by striking the words
 16 “regulatory fee” and inserting the following: “fee
 17 fees”.
- 18 4. Page 12, line 47 by striking the words
 19 “regulatory fee” and inserting the following: “fee
 20 fees”.
- 21 5. Page 18, line 44, by striking the words
 22 “ADMISSION REGULATORY FEE” and inserting the
 23 following: “ADMISSION ~~FEE~~ AND REGULATORY FEES”.
- 24 6. Page 18, line 50, by inserting after the

25 figure “2.” the following: “a.”

26 7. Page 19, line 10, by striking the word “~~b.~~”
27 and inserting the following: “b.”

28 8. Page 19, line 14, by inserting after the word
29 “~~rate.~~” the following: “In addition to the admission
30 fee charged under subsection 3, an excursion gambling
31 boat licensee shall pay to the commission an admission
32 fee of ten dollars for each person embarking on an
33 excursion gambling boat. The admission revenue
34 received by the commission pursuant to this paragraph
35 shall be credited to the gaming admission fee
36 distribution fund created in section 99F.19.””

37 9. Page 23, by inserting after line 44 the
38 following:

39 “Sec. ____ NEW SECTION. 99F.19 GAMING ADMISSION
40 FEE DISTRIBUTION FUND.

41 1. FUND CREATED. A gaming admission fee
42 distribution fund is created in the state treasury
43 under the control of the commission. The fund
44 consists of all moneys credited to the fund. Moneys
45 in the fund shall be distributed by the commission as
46 provided in this section.

47 2. ACCOUNT DISTRIBUTIONS. Of admission fee
48 revenue received by the commission and credited to the
49 fund, for each ten dollar admission fee received, the
50 following amounts shall be transferred to the

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1 following accounts within the fund and distributed
2 from the accounts as provided in this section.

3 a. Five dollars to the education account.

4 b. Seventy-five cents to the community college
5 account.

6 c. Seventy-five cents to the state board of
7 regents account.

8 d. Seventy-five cents to the children and family
9 services account.

10 e. One dollar to the senior living trust fund
11 account until such time as the appropriations to the
12 senior living trust fund from the senior living trust
13 fund account, made in section 8.57, subsection 1A,
14 paragraph “a”, if enacted by 2004 Iowa Acts, House
15 File 2039, and transferred by section 8.55, subsection
16 2, paragraph “c”, equal one hundred eighteen million
17 dollars.

18 f. Twenty-five cents to the wildlife diversity
19 account.

20 g. Twenty-five cents to the Iowa resources
21 enhancement and protection fund account.

22 h. Twenty-five cents to the administration
23 account.

24 i. The remaining portion of the admission fee not
 25 otherwise transferred to an account pursuant to this
 26 subsection shall be credited to the rebuild Iowa
 27 infrastructure fund as created in section 8.57.

28 3. EDUCATION ACCOUNT.

29 a. Moneys in the education account are
 30 appropriated to the department of education to
 31 supplement the amount appropriated pursuant to section
 32 257.16 from the general fund of the state to pay the
 33 foundation aid and to pay the supplementary aid under
 34 section 257.4, subsection 2.

35 b. The moneys appropriated pursuant to this
 36 subsection shall be in addition to, and shall not
 37 replace, funds otherwise appropriated pursuant to
 38 section 257.16 for the applicable fiscal year and
 39 shall be distributed on a per pupil basis to school
 40 districts based upon each district's budget enrollment
 41 and shall be used for any of the following purposes:

42 (1) Technology hardware, software, networking and
 43 equipment purchases, upgrades and training associated
 44 with technology use, and incorporation of technology
 45 into the district's curriculum.

46 (2) Professional development that meets the
 47 definition of quality professional development under
 48 the student achievement and teacher quality program.

49 (3) Textbooks, supplies, media and library
 50 resources including personnel, and classroom

Page 3

1 equipment.

2 (4) Assessment systems, curriculum alignment
 3 expenses, and any other resources necessary to meet
 4 locally established student learning goals or to
 5 comply with federal and state mandates of improved
 6 student performance.

7 (5) Expansion of arts, theater, debate, academic
 8 decathlon, music, and foreign language programs and
 9 other opportunities for children to participate in
 10 curricular and extracurricular opportunities.

11 (6) Preschool, before-school and after-school
 12 programs, and summer school programs.

13 (7) Adult and community education programs.

14 (8) Energy efficiency improvements and
 15 transportation-equipment fuel-emissions testing.

16 4. COMMUNITY COLLEGE ACCOUNT. Moneys in the
 17 community college account are appropriated to the
 18 department of education for general state financial
 19 aid to merged areas as defined in section 260C.2 in
 20 accordance with chapters 258 and 260C and allocated to
 21 each merged area during a fiscal year in the same
 22 proportion as moneys are otherwise appropriated and

23 allocated to each merged area by the department of
 24 education in that fiscal year.

25 5. STATE BOARD OF REGENTS ACCOUNT. Moneys in the
 26 state board of regents account are appropriated to the
 27 state board of regents for distribution to each
 28 regents institution in the same proportion as moneys
 29 are otherwise appropriated to each institution for the
 30 applicable fiscal year.

31 6. CHILDREN AND FAMILY SERVICES ACCOUNT. Moneys
 32 in the children and family services account are
 33 appropriated to the department of human services for
 34 children and family services.

35 7. SENIOR LIVING TRUST FUND ACCOUNT. Moneys in
 36 the senior living trust fund account are appropriated
 37 to the senior living trust fund created in section
 38 249H.4.

39 8. WILDLIFE DIVERSITY ACCOUNT. Moneys in the
 40 wildlife diversity account are appropriated to the
 41 department of natural resources for wildlife diversity
 42 programs.

43 9. REAP ACCOUNT. Moneys in the Iowa resources
 44 enhancement and protection fund account are
 45 appropriated to the Iowa resources enhancement and
 46 protection fund created pursuant to section 455A.18.

47 10. ADMINISTRATION ACCOUNT. Moneys in the
 48 administration account are appropriated to the
 49 commission for the purposes of administering this
 50 section.”

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1 10. By renumbering as necessary.

MARY LUNDBY

S-5320

1 Amend House File 2390, as amended, passed, and
 2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
 4 following:

5 “Section 1. Section 225C.42, subsection 1, Code
 6 Supplement 2003, is amended to read as follows:

7 1. The department shall conduct ~~an annual~~ a
 8 periodic evaluation of the family support subsidy
 9 program and shall submit the evaluation report with
 10 recommendations to the governor and general assembly
 11 ~~by September 30 following the end of the fiscal year.~~

12 Sec. ____ Section 225C.42, subsection 2, paragraph
 13 a, Code Supplement 2003, is amended to read as
 14 follows:

15 a. A statement of the number of children and

16 families served by the program during the ~~fiscal year~~
 17 ~~period~~ and the number remaining on the waiting list at
 18 the end of the ~~fiscal year period~~.

19 Sec. ____ Section 232.2, subsection 13, Code
 20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human
 22 services and includes the local, county, and ~~regional~~
 23 service area officers of the department.

24 Sec. ____ Section 232.52, subsection 2A, Code
 25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall
 27 not order group foster care placement of the child
 28 which is a charge upon the state if that placement is
 29 not in accordance with the ~~regional~~ service area plan
 30 for group foster care established pursuant to section
 31 232.143 for the departmental ~~region~~ service area in
 32 which the court is located.

33 Sec. ____ Section 232.52, subsection 7, Code
 34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody
 36 of the child to the department of human services or to
 37 another agency for placement in group foster care, the
 38 department or agency shall make every reasonable
 39 effort to place the child ~~within the state~~, in the
 40 least restrictive, most family-like, and most
 41 appropriate setting available and in close proximity
 42 to the parents' home, consistent with the child's best
 43 interests and special needs, and shall consider the
 44 placement's proximity to the school in which the child
 45 is enrolled at the time of placement.

46 Sec. ____ Section 232.68, subsection 4, Code
 47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of
 49 human services and includes the local, county, and
 50 ~~regional~~ service area offices of the department.

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1 Sec. ____ Section 232.72, subsection 1, Code
 2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms
 4 "department of human services", "department", or
 5 "county attorney" ordinarily refer to the ~~regional~~
 6 service area or local office of the department of
 7 human services or of the county attorney's office
 8 serving the county in which the child's home is
 9 located.

10 Sec. ____ Section 232.102, subsection 1A, Code
 11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care
 13 placement of the child which is a charge upon the
 14 state if that placement is not in accordance with the

15 ~~regional service area~~ plan for group foster care
16 established pursuant to section 232.143 for the
17 departmental ~~region service area~~ in which the court is
18 located.

19 Sec. __. Section 232.102, subsection 7, Code
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the
22 department or an agency, or in orders pursuant to a
23 custody order, the court shall specify the nature and
24 category of disposition which will serve the best
25 interests of the child, and shall prescribe the means
26 by which the placement shall be monitored by the
27 court. If the court orders the transfer of the
28 custody of the child to the department of human
29 services or other agency for placement, the department
30 or agency shall submit a case permanency plan to the
31 court and shall make every reasonable effort to return
32 the child to the child's home as quickly as possible
33 consistent with the best interests of the child. When
34 the child is not returned to the child's home and if
35 the child has been previously placed in a licensed
36 foster care facility, the department or agency shall
37 consider placing the child in the same licensed foster
38 care facility. If the court orders the transfer of
39 custody to a parent who does not have physical care of
40 the child, other relative, or other suitable person,
41 the court may direct the department or other agency to
42 provide services to the child's parent, guardian, or
43 custodian in order to enable them to resume custody of
44 the child. If the court orders the transfer of
45 custody to the department of human services or to
46 another agency for placement in group foster care, the
47 department or agency shall make every reasonable
48 effort to place the child ~~within Iowa~~, in the least
49 restrictive, most family-like, and most appropriate
50 setting available, and in close proximity to the

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1 parents' home, consistent with the child's best
2 interests and special needs, and shall consider the
3 placement's proximity to the school in which the child
4 is enrolled at the time of placement.

5 Sec. __. Section 232.102, Code Supplement 2003,
6 is amended by adding the following new subsection:

7 NEW SUBSECTION. 13. Unless prohibited by the
8 court order transferring custody of the child for
9 placement or other court order or the department or
10 agency that received the custody transfer finds that
11 allowing the visitation would not be in the child's
12 best interest, the department or agency may authorize
13 reasonable visitation with the child by the child's

14 grandparent, great-grandparent, or other adult
 15 relative who has established a substantial
 16 relationship with the child. The visitation shall not
 17 be authorized for a grandparent or great-grandparent
 18 whose petition for visitation under section 598.35 has
 19 been denied. If visitation with the grandparent,
 20 great-grandparent, or other relative was authorized by
 21 court order prior to removal of the child, a
 22 visitation authorization under this subsection shall
 23 comply with the court order.

24 Sec. ___. Section 232.117, subsection 4, Code
 25 Supplement 2003, is amended to read as follows:

26 4. The court shall not order group foster care
 27 placement of the child which is a charge upon the
 28 state if that placement is not in accordance with the
 29 ~~regional service area~~ plan for group foster care
 30 established pursuant to section 232.143 for the
 31 departmental ~~region~~ service area in which the court is
 32 located.

33 Sec. ___. Section 232.127, subsection 8, Code
 34 Supplement 2003, is amended to read as follows:

35 8. The court shall not order group foster care
 36 placement of the child which is a charge upon the
 37 state if that placement is not in accordance with the
 38 ~~regional service area~~ plan for group foster care
 39 established pursuant to section 232.143 for the
 40 departmental ~~region~~ service area in which the court is
 41 located.

42 Sec. ___. Section 232.143, Code Supplement 2003,
 43 is amended to read as follows:

44 232.143 ~~REGIONAL SERVICE AREA~~ GROUP FOSTER CARE
 45 BUDGET TARGETS.

46 1. A statewide expenditure target for children in
 47 group foster care placements in a fiscal year, which
 48 placements are a charge upon or are paid for by the
 49 state, shall be established annually in an
 50 appropriation bill by the general assembly. ~~The~~

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1 ~~Representatives of the~~ department and ~~the judicial~~
 2 ~~branch juvenile court services~~ shall jointly develop
 3 formula for allocating a portion of the statewide
 4 expenditure target established by the general assembly
 5 to each of the department's ~~regions~~ service areas.
 6 The formula shall be based upon the ~~region's~~ service
 7 area's proportion of the state population of children
 8 and of the statewide usage of group foster care in the
 9 previous five completed fiscal years and upon other
 10 indicators of need. The expenditure amount determined
 11 in accordance with the formula shall be the group
 12 foster care budget target for that ~~region~~ service

13 ~~area.~~ A ~~region~~ service area may exceed ~~its~~ the
14 service area's budget target for group foster care by
15 not more than five percent in a fiscal year, provided
16 the overall funding allocated by the department for
17 all child welfare services in the ~~region~~ service area
18 is not exceeded.

19 2. For each of the department's ~~regions~~ service
20 areas, representatives appointed by the department and
21 ~~the~~ juvenile court services shall establish a plan for
22 containing the expenditures for children placed in
23 group foster care ordered by the court within the
24 budget target allocated to that ~~region~~ service area
25 pursuant to subsection 1. The plan shall be
26 established in a manner so as to ensure the budget
27 target amount will last the entire fiscal year. The
28 plan shall include monthly targets and strategies for
29 developing alternatives to group foster care
30 placements in order to contain expenditures for child
31 welfare services within the amount appropriated by the
32 general assembly for that purpose. Funds for a child
33 placed in group foster care shall be considered
34 encumbered for the duration of the child's projected
35 or actual length of stay, whichever is applicable.
36 Each ~~regional~~ service area plan shall be established
37 within sixty days of the date by which the group
38 foster care budget target for the ~~region~~ service area
39 is determined. To the extent possible, the department
40 and ~~the~~ juvenile court services shall coordinate the
41 planning required under this subsection with planning
42 for services paid under section 232.141, subsection 4.
43 The department's ~~regional administrator~~ service area
44 manager shall communicate regularly, as specified in
45 the ~~regional~~ service area plan, with the chief
46 juvenile courts court officers within that ~~region~~
47 service area concerning the current status of the
48 ~~regional~~ service area plan's implementation.

49 3. State payment for group foster care placements
50 shall be limited to those placements which are in

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1 accordance with the ~~regional~~ service area plans
2 developed pursuant to subsection 2.
3 Sec. ____ Section 232.188, subsection 4, Code
4 Supplement 2003, is amended to read as follows:
5 4. In a decategorization agreement, the department
6 and the county's or group of counties'
7 decategorization governance board shall agree on all
8 of the following items: the governance relationship
9 between the department and the decategorization
10 governance board; the respective areas of autonomy of
11 the department and the board; the budgeting structure

12 for the decategorization; and a method for resolving
 13 disputes between the department and the board. The
 14 decategorization agreement shall require the
 15 department and the decategorization governance board
 16 to agree upon a budget within sixty days of the date
 17 by which the ~~regional~~ group foster care budget targets
 18 are determined for departmental service areas under
 19 section 232.143 for the fiscal year to which the
 20 budget applies. The budget may later be modified to
 21 reflect new or changed circumstances.

22 Sec. ____ Section 234.35, subsection 1, paragraph
 23 e, Code Supplement 2003, is amended to read as
 24 follows:

25 e. When a court has entered an order transferring
 26 the legal custody of the child to a foster care
 27 placement pursuant to section 232.52, subsection 2,
 28 paragraph “d”, or section 232.102, subsection 1.
 29 However, payment for a group foster care placement
 30 shall be limited to those placements which conform to
 31 a regional service area group foster care plan
 32 established pursuant to section 232.143.

33 Sec. ____ Section 235B.1, subsection 4, paragraph
 34 a, subparagraph (1), Code 2003, is amended to read as
 35 follows:

36 (1) Advise the director of human services ~~and the~~
 37 ~~administrator of the division of child and family~~
 38 ~~services of the department of human services, the~~
 39 director of elder affairs, the director of inspections
 40 and appeals, the director of public health, the
 41 director of the department of corrections, and the
 42 director of human rights regarding dependent adult
 43 abuse.”

44 2. By striking page 1, line 3, through page 2,
 45 line 2, and inserting the following:

46 ~~“2. All of the following persons shall report~~
 47 ~~suspected dependent adult abuse to the department:~~

48 ~~a. A social worker.~~

49 ~~b. A certified psychologist.~~

50 e. 2. A person who, in the course of employment,

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1 examines, attends, counsels, or treats a dependent
 2 adult and reasonably believes the dependent adult has
 3 suffered abuse, shall report the suspected dependent
 4 adult abuse to the department including all of the
 5 following:

6 ~~(4)~~ a. A member of the staff of a community
 7 mental health center, a member of the staff of a
 8 hospital, a member of the staff or employee of a
 9 public or private health care facility as defined in
 10 section 135C.1, a member of the staff or employee of

11 an elder group home as defined in section 231B.1, a
 12 member of the staff or employee of an assisted living
 13 program certified under section 231C.3, and a member
 14 of the staff or employee of an adult day services
 15 program as defined in section 231D.1.

16 ~~(2) b.~~ A peace officer.

17 ~~(3) c.~~ An in-home homemaker-home health aide.

18 ~~(4) d.~~ An individual employed as an outreach
 19 person.

20 ~~(5) e.~~ A health practitioner, as defined in
 21 section 232.68.

22 ~~(6) f.~~ A member of the staff or an employee of a
 23 supported community living service, sheltered
 24 workshop, or work activity center.

25 g. A social worker.

26 h. A certified psychologist.

27 ~~d. A person who performs inspections of elder~~
 28 ~~group homes for the department of inspections and~~
 29 ~~appeals and a resident advocate committee member~~
 30 ~~assigned to an elder group home pursuant to chapter~~
 31 ~~231B.~~

32 3. a. If a staff member or employee is required
 33 to report pursuant to this section, the person shall
 34 immediately notify the department and may also
 35 ~~immediately~~ notify the person in charge or the
 36 person's designated agent, ~~and the person in charge or~~
 37 ~~the designated agent shall make the report by the end~~
 38 ~~of the next business day.~~

39 b. The employer or supervisor of a person who is
 40 required to or may make a report pursuant to this
 41 section shall not apply a policy, work rule, or other
 42 requirement that interferes with the person making a
 43 report of dependent adult abuse or that results in the
 44 failure of another person to make the report."

45 3. Page 2, by inserting before line 3, the
 46 following:

47 "Sec. ___. Section 235B.3, Code Supplement 2003,
 48 is amended by adding the following new subsection:
 49 NEW SUBSECTION. 3A. An employee of a financial
 50 institution may report suspected financial

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1 exploitation of a dependent adult to the department."

2 4. Page 2, by inserting before line 3 the
 3 following:

4 "Sec. ___. Section 237.5A, Code 2003, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. A licensee who is unable
 7 to complete six hours of foster parent training prior
 8 to annual licensure renewal because the licensee is
 9 engaged in active duty in the military service shall

10 be considered to be in compliance with the training
11 requirement for annual licensure renewal.”

12 5. By striking page 3, line 27, through page 4,
13 line 22, and inserting the following:

14 “Sec. ____ Section 235A.15, subsection 10, if
15 enacted by 2004 Iowa Acts, House File 2328, section 7,
16 is amended to read as follows:

17 10. The information released by the director of
18 human services or the director’s designee pursuant to
19 a request made under subsection 9 relating to a case
20 of founded child abuse involving a fatality or near
21 fatality to a child shall ~~be a summary of~~ include all
22 of the following, unless such information is excepted
23 from disclosure under subsection 9:

24 a. Any relevant child abuse ~~report data~~
25 information concerning the child or the child’s family
26 and the department’s response and findings ~~concerning~~
27 ~~the report data, including but not limited to~~
28 ~~assessment and disposition data.~~

29 b. ~~Information~~ A summary of information, that
30 would otherwise be confidential under section 217.30,
31 as to whether or not the child or a member of the
32 child’s family was utilizing social services provided
33 by the department at the time of the child fatality or
34 near fatality or within the five-year period preceding
35 the fatality or near fatality.

36 c. Any recommendations made by the department to
37 the county attorney or the juvenile court.

38 d. If applicable, a summary of an evaluation of
39 the department’s responses in the case.

40 Sec. ____ CHILD DEVELOPMENT HOMES — PROVIDER
41 QUALIFICATIONS. The department of human services
42 shall revise the department’s standards for child
43 development home provider qualifications under
44 category “C” which are applicable at times when more
45 than one qualified provider must be present. The
46 revised standards shall provide that one of the
47 providers required to be present must meet the
48 provider qualifications for category “C” and allow any
49 other providers required to be present to meet the
50 provider qualifications for either category “B” or

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1 “C”. Until the revised standards are adopted, a
2 provider to which the revised standards would be
3 applicable may request approval from the department
4 for an exception to policy for the provider to operate
5 under the revised standards as described in this
6 section prior to adoption of the revised standards.

7 Sec. ____ EFFECTIVE DATES.

8 1. The section of this Act amending section

- 9 237A.3A, subsection 3, being deemed of immediate
10 importance, takes effect upon enactment.”
11 6. Title page, by striking lines 2 and 3 and
12 inserting the following: “the department of human
13 services and providing an effective date.”
14 7. By renumbering as necessary.

KEN VEENSTRA

S-5321

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 6, by inserting after line 4 the
5 following:
6 “Sec. ____ NEW SECTION. 99D.9A MORATORIUM.
7 The commission shall not issue a license to conduct
8 pari-mutuel wagering at a racetrack pursuant to this
9 chapter as provided in section 99F.4C.”
10 2. Page 13, line 10, by inserting after the word
11 “subsection.” the following: “The application shall
12 identify the number of table games to be installed by
13 the licensee.”
14 3. Page 13, by inserting after line 44 the
15 following:
16 “Sec. ____ NEW SECTION. 99F.4C MORATORIUM FOR
17 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
18 MUTUEL WAGERING AND ON THE NUMBER OF GAMBLING GAMES OR
19 SLOT MACHINES.
20 1. Commencing with the effective date of this
21 section of this Act, the commission shall not issue a
22 license to conduct pari-mutuel wagering at a racetrack
23 pursuant to chapter 99D or to conduct gambling games
24 on an excursion boat or at a pari-mutuel racetrack
25 pursuant to this chapter. However, this moratorium
26 shall not apply to the granting of a table games
27 license as provided by this chapter.
28 2. Commencing with the effective date of this
29 section of this Act, the commission shall not
30 authorize any of the following:
31 a. An increase in the number of gambling games or
32 the number of slot machines on an excursion gambling
33 boat.
34 b. An increase in the number of gambling games
35 from the number specified in the application for a
36 table games license or the number of slot machines at
37 a pari-mutuel racetrack.
38 3. This section does not affect the validity of a
39 license issued by the commission pursuant to chapter
40 99D or this chapter before the effective date of this
41 section of this Act or the authority of the commission

42 to suspend, revoke, transfer, or renew a license
 43 issued before the effective date of this section of
 44 this Act pursuant to chapter 99D or this chapter.”
 45 4. Page 20, by striking lines 15 through 47.
 46 5. Page 29, by inserting after line 14 the
 47 following:
 48 “____. The section of this Act enacting section
 49 99F.4C, being deemed of immediate importance, takes
 50 effect upon enactment.”

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- 1 6. Page 29, by striking lines 38 through 40.
- 2 7. By renumbering as necessary.

MATT W. McCOY
 DENNIS H. BLACK

S-5322

HOUSE AMENDMENT TO SENATE FILE 2026

1 Amend Senate File 2026, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 1, lines 4 and 5, by striking the words
 4 “a partial exception on”.
 5 2. Page 1, line 10, by striking the word
 6 “partial”.
 7 3. Page 1, line 21, by inserting after the figure
 8 “2005,” the following: “through December 31, 2005.”
 9 4. Page 1, line 24, by inserting after the figure
 10 “2005,” the following: “through December 31, 2005.”
 11 5. Page 1, by inserting after line 25 the
 12 following:
 13 “(3) If the date of the utility billing or meter
 14 reading cycle of the residential customer for the sale
 15 or furnishing of metered gas and electricity is on or
 16 after January 1, 2006, or if the sale, furnishing, or
 17 service of fuel for purposes of residential energy and
 18 the delivery of the fuel occurs on or after January 1,
 19 2006, the rate of tax is zero percent of the sales
 20 price.”
 21 6. Page 1, line 26, by striking the word
 22 “partial”.
 23 7. By striking page 1, line 29 through page 2,
 24 line 22.
 25 8. Title page, line 1, by striking the word
 26 “reduction” and inserting the following: “phaseout”.
 27 9. Title page, by striking lines 3 and 4 and
 28 inserting the following: “residential customers.”

S-5323

1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 13, line 1, by striking the word "shall"
5 and inserting the following: "may".
6 2. Page 13, line 10, by inserting after the word
7 "subsection." the following: "A table games license
8 issued pursuant to this subsection shall provide that
9 the holder of the table games license shall reduce at
10 the licensee's facility the number of gambling games
11 that are not table games of chance by the same number
12 of table games the holder of the table games license
13 adds to the facility."
14 3. Page 13, line 19, by striking the word "shall"
15 and inserting the following: "may".
16 4. Page 13, line 22, by inserting after the word
17 "games" the following: "upon a determination that
18 granting the license is competitively viable and".
19 5. Page 13, line 29, by inserting after the
20 figure "2008." the following: "For purposes of this
21 subsection, "competitively viable" means that the
22 commission has determined that the applicant has
23 affirmatively demonstrated that granting the table
24 games license will not adversely impact other
25 licensees, including consideration of the impact of
26 granting the table games license on competitors and
27 the displacement of other jobs provided by other
28 licensees."

JEFF ANGELO

S-5324

1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 15, line 45, by inserting after the word
5 "boat." the following: "If the commission issues any
6 additional licenses to conduct gambling games under
7 this chapter in addition to the number of licenses
8 issued as of January 1, 2004, such a license shall
9 only be issued for a facility if the applicant
10 facility will be located in a county in which no other
11 facility is located and if the applicant facility will
12 be located in a county that is not adjacent to a
13 county that has a facility for which a license to
14 conduct gambling games has been granted under this
15 chapter, unless the commission determines that
16 granting a license to an applicant to be located in a
17 county adjacent to a county that has a licensee will

18 not have an adverse impact on that licensee. The
 19 applicant shall have the burden before the commission
 20 of establishing that granting a license shall not have
 21 an adverse impact on a licensee in an adjacent
 22 county.”

JEFF ANGELO

S-5325

1 Amend the amendment, S-5309, to House File 2562, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 1, line 4, by inserting after the words
 5 “class “B”” the following: “or class “C””.
 6 2. Page 1, line 8, by inserting after the words
 7 “class “B”” the following: “or class “C””.
 8 3. Page 1, line 16, by inserting after the words
 9 “class “B”” the following: “or class “C””.
 10 4. Page 1, line 21, by inserting after the words
 11 “class “B”” the following: “or class “C””.
 12 5. Page 1, line 29, by inserting after the word
 13 ““B”” the following: “or class “C””.
 14 6. Page 1, line 33, by inserting after the words
 15 “class “B”” the following: “or class “C””.
 16 7. Page 1, line 38, by inserting after the words
 17 “class “B”” the following: “or class “C””.
 18 8. Page 1, line 40, by inserting after the words
 19 “class “B”” the following: “or class “C””.
 20 9. Page 1, line 46, by inserting after the words
 21 “class “B”” the following: “or class “C””.
 22 10. Page 1, line 50, by inserting after the words
 23 “class “B”” the following: “or class “C””.

DOUG SHULL

S-5326

1 Amend the amendment, S-5320, to House File 2390, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 8, by striking lines 7 through 13, and
 5 inserting the following:
 6 “__. Title page, by striking lines 2 and 3, and
 7 inserting the following: “the department of human
 8 services.”

KEN VEENSTRA

S-5327

1 Amend House File 2560, as passed by the House, as
2 follows:
3 1. Page 2, by inserting after line 16 the
4 following:
5 "c. This subsection does not apply to a chapter
6 28E agreement entered into by three or more townships
7 if such agreement provides for the creation of one
8 fire department to provide fire protection services
9 jointly to the townships that are parties to the
10 agreement."

DOUG SHULL

S-5328

1 Amend House File 2521, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 3 through 5 and
4 inserting the following: "regarding health care costs
5 in this state, including a review of major drivers of
6 health insurance costs. The study shall also provide
7 the general assembly".
8 2. Page 1, line 31, by striking the word
9 "premiums" and inserting the word "costs".
10 3. Page 1, by striking lines 32 through 34 and
11 inserting the following:
12 "5. The commissioner shall ensure that the".
13 4. Page 2, by striking lines 15 through 18 and
14 inserting the following:
15 "7. The".
16 5. Page 2, line 23, by inserting after the word
17 "legislative" the following: "government".
18 6. Page 4, by striking lines 3 and 4 and
19 inserting the following:
20 "Sec. ____ EFFECTIVE DATES.
21 1. Section 1 of this Act establishing a health
22 care and insurance costs study shall take effect only
23 if funding is specifically appropriated to the
24 insurance division of the department of commerce to
25 support the study.
26 2. Section 2 of this Act establishing a medical
27 malpractice insurance solution task force, being
28 deemed of immediate importance, takes effect upon
29 enactment."
30 7. Title page, line 3, by striking the words "an
31 effective date" and inserting the following:
32 "effective dates".
33 8. By renumbering as necessary.

RON WIECK

S-5329

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 28, line 35, by inserting after the word
 5 “dollars.” the following: “A person awarded a license
 6 pursuant to an auction conducted as provided by this
 7 subsection to operate a licensed facility in Polk
 8 county shall, as a condition of receiving a license
 9 under this subsection, operate a pari-mutuel horse
 10 racetrack facility within Polk county.”

MARK ZIEMAN
 BRYAN J. SIEVERS

S-5330

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 25, by striking lines 17 through 37.
 5 2. Page 29, by striking lines 23 through 25.
 6 3. By renumbering as necessary.

MATT W. McCOY

S-5331

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 27, line 1, by inserting after the figure
 5 “2004” the following: “, which assessment may be
 6 offset by the licensee against taxes imposed on the
 7 licensee by section 99F.11 to the extent of twenty
 8 percent of the assessment paid pursuant to this
 9 subsection for each of five consecutive fiscal years
 10 beginning with the fiscal year beginning July 1,
 11 2009”.

MATT W. McCOY

S-5332

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 28, by inserting before line 42 the
 5 following:
 6 “Sec. ____ POLK COUNTY RACETRACK ENCLOSURE

7 LICENSEE — GOVERNMENTAL OPERATING AGREEMENT.

8 1. Notwithstanding any provisions of chapter 99D
9 or 99F to the contrary, a licensee of a racetrack
10 enclosure within Polk county shall enter into a
11 governmental operating agreement with the county board
12 of supervisors of the county consistent with the
13 requirements of this section by July 1, 2004. If the
14 licensee fails to enter into an agreement as provided
15 by this section, the racing and gaming commission
16 shall not renew or reissue licenses to conduct pari-
17 mutuel wagering and gambling games for the applicable
18 licensee. The governmental operating agreement
19 required by this section shall not be in lieu of any
20 other operating agreement between the licensee and
21 county except to the extent any other agreement is
22 inconsistent with the agreement provided for by this
23 section.

24 2. a. The governmental operating agreement shall
25 provide that the licensee pay the applicable county an
26 amount of money, by July 1, 2004, which amount shall
27 be equal to the following:

28 (1) One-half of any judgment or interest that
29 would be due or owing as of July 1, 2004, if the
30 licensee would be awarded a refund pursuant to the
31 litigation entitled Racing Association of Central Iowa
32 v. Fitzgerald, cited at 675 N.W.2d 1 (Iowa 2004),
33 hereinafter referred to as the applicable litigation.

34 (2) One-third of any amount of money of any
35 additional tax paid by the licensee that is held in
36 escrow and not distributed as of July 1, 2004, if such
37 additional tax due from such licensee would have been
38 ultimately deemed owing pursuant to the applicable
39 litigation.

40 b. The governmental operating agreement shall
41 provide for the repayment by the county of the amounts
42 paid by the licensee to the county if the refund is
43 ultimately deemed not owing and the additional tax is
44 deemed owing by the final decision in the applicable
45 litigation.”

46 2. Page 29, by inserting after line 37 the
47 following:

48 “___ The section of this Act providing for a
49 governmental operating agreement for the Polk county
50 racetrack enclosure licensee, being deemed of

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1 immediate importance, takes effect upon enactment.”

2 3. By renumbering as necessary.

MATT W. McCOY

S-5333HOUSE AMENDMENT TO
SENATE FILE 2153

1 Amend Senate File 2153, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 11 through 16 and
4 inserting the following: “encumbered funds, the
5 governor may request that the executive council,
6 pursuant to the authority of section 7D.29, commit
7 sufficient funds, up to one million dollars, that are
8 not otherwise encumbered from the general fund, as
9 needed and available, for the disaster or the
10 emergency. If additional financial assistance is
11 required in excess of one million dollars, approval by
12 the legislative council is also required.”

S-5334HOUSE AMENDMENT TO
SENATE FILE 2209

1 Amend Senate File 2209, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 3, by striking the figure “2005”
4 and inserting the following: “2006”.
5 2. Page 1, by striking lines 5 and 6, and
6 inserting the following: “more than trace amounts of
7 mercury.”
8 3. Page 1, by striking lines 13 through 17.
9 4. Page 1, line 20, by striking the words “and
10 declared”.
11 5. Page 1, line 21, by inserting after the word
12 “health.” the following: “If an emergency or epidemic
13 is determined to exist by the director of public
14 health under this subsection, the director of public
15 health shall notify the state board of health, the
16 governor, and the legislative council, and shall
17 notify the public upon request.”
18 6. Page 1, line 23, by striking the words “OR
19 OTHER PRESERVATIVES”.
20 7. Page 1, line 26, by striking the figure “2005”
21 and inserting the following: “2006”.
22 8. Page 1, by striking lines 29 through 34, and
23 inserting the following: “at the acquisition cost
24 rate for immunizations containing no more than trace
25 amounts of mercury. For the purposes of this section,
26 “trace amounts” means trace amounts as defined by the
27 United States food and drug administration.”
28 9. By renumbering as necessary.

S-5335

HOUSE AMENDMENT TO
SENATE FILE 2270

1 Amend Senate File 2270, as passed by the Senate, as
2 follows:

3 1. Page 1, by inserting after line 20 the
4 following:

5 "Sec. 101. Section 331.605C, subsections 2, 3, and
6 4, Code Supplement 2003, are amended to read as
7 follows:

8 2. Beginning July 1, 2004, the recorder shall
9 collect a fee of one dollar for each recorded
10 transaction, regardless of the number of pages, for
11 which a fee is paid pursuant to section 331.604 to be
12 used for the purpose ~~of paying the county's ongoing~~
13 ~~costs of maintaining the systems developed and~~
14 ~~implemented under set forth in~~ subsection 4 4.

15 3. The county treasurer, on behalf of the
16 recorder, shall establish and maintain ~~an interest-~~
17 ~~bearing account~~ a county recorder's electronic
18 transaction fund into which all moneys collected
19 pursuant to subsections 1 and 2 shall be deposited.
20 Interest earned on moneys deposited in this fund shall
21 be computed based on the average monthly balance in
22 the fund and shall be credited to the county
23 recorder's electronic transaction fund.

24 4. The local ~~electronic~~ government electronic
25 transaction fund is established in the office of the
26 treasurer of state under the control of the treasurer
27 of state. Moneys deposited into the fund are not
28 subject to section 8.33. Notwithstanding section
29 12C.7, interest or earnings on moneys in the local
30 ~~electronic~~ government electronic transaction fund
31 shall be credited to the fund. Moneys in the local
32 ~~electronic~~ government electronic transaction fund are
33 not subject to transfer, appropriation, or reversion
34 to any other fund, or any other use except as provided
35 in this subsection. ~~The treasurer of state shall~~
36 ~~enter into a contract with the Iowa state association~~
37 ~~of counties affiliate representing county recorders to~~
38 ~~hold the fund for the development, implementation, and~~
39 ~~maintenance of a statewide internet website for~~
40 ~~purposes of providing electronic access to records and~~
41 ~~information recorded or filed by county recorders.~~ On
42 a monthly basis, the county treasurer shall pay ~~one~~
43 ~~dollar of~~ each fee collected pursuant to subsection 4
44 2 to the treasurer of state for deposit into the local
45 ~~electronic~~ government electronic transaction fund.
46 Moneys credited to the local ~~electronic~~ government
47 electronic transaction fund are appropriated to the

48 treasurer of state to be used for ~~contract costs~~ the
 49 purpose of paying the ongoing costs of maintaining the
 50 statewide internet website developed and implemented

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1 under subsection 1. ~~This subsection is repealed June~~
 2 ~~30, 2004.~~
 3 Sec. 102. Section 331.605C, subsection 5, Code
 4 Supplement 2003, is amended by striking the
 5 subsection.”
 6 2. Page 1, by inserting after line 31 the
 7 following:
 8 “Sec. ____ EFFECTIVE DATE. Sections 101 and 102
 9 of this Act, being deemed of immediate importance,
 10 take effect upon enactment.”
 11 3. Title page, line 2, by inserting after the
 12 word “recorded” the following: “and electronic”.
 13 4. Title page, line 3, by inserting after the
 14 word “recorder” the following: “and providing an
 15 effective date”.
 16 5. By renumbering as necessary.

S-5336

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 25, by inserting after line 16 the
 5 following:
 6 “Sec. ____ The section of this Act amending
 7 section 99F.11 is repealed January 1, 2007.
 8 Sec. 101. The section of this Act amending section
 9 99F.11 is reenacted January 2, 2007.”
 10 2. Page 28, by inserting after line 41 the
 11 following:
 12 “Sec. ____ PEOPLE'S RIGHT TO VOTE ON TAX OR FEE
 13 INCREASES — APPLICABILITY TO GAMBLING TAXES. Section
 14 101 of this Act shall be deemed to be an adoption of
 15 gambling tax increases under the section of this Act
 16 amending section 99F.11 that is in an amount requiring
 17 the increase to be submitted to the electors and that
 18 shall take effect only if submitted to the electors at
 19 the next state general election and approved by a
 20 majority of the electors voting thereon, if the
 21 proposed amendment to the Constitution of the State of
 22 Iowa providing for new Article XIII and entitled
 23 people's right to vote on tax or fee increases is
 24 adopted and ratified.”
 25 3. By renumbering as necessary.

S-5337

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 20, line 21, by striking the word "one-
5 third", and inserting the following: "one-fifth".
 - 6 2. Page 20, lines 22 and 23, by striking the word
7 "one-third", and inserting the following: "one-
8 fifth".
 - 9 3. Page 20, line 24, by striking the words "and
10 the remaining".
 - 11 4. Page 20, line 25, by striking the word "one-
12 third", and inserting the following: "one-fifth".
 - 13 5. Page 20, line 26, by inserting after the word
14 "license" the following: ". one-fifth of the
15 applicable initial license fee within three years of
16 the granting of the license, and the remaining one-
17 fifth of the applicable initial license fee within
18 four years of the granting of the license".

WILLIAM A. DOTZLER, JR.

S-5338

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 11, line 10, by inserting before the
5 figure "14A." the following: "NEW SUBSECTION."
 - 6 2. Page 11, line 10, by striking the word
7 "floating".

JOE M. SENG
BRYAN J. SIEVERS

S-5339

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 15, by striking lines 17 through 19 and
5 inserting the following: "within Polk county shall
6 be".

JEFF ANGELO
BRYAN J. SIEVERS
DENNIS H. BLACK
DOUG SHULL

S-5340

1 Amend House File 2390, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by inserting before line 1 the
4 following:

5 "Section 1. Section 225C.42, subsection 1, Code
6 Supplement 2003, is amended to read as follows:

7 1. The department shall conduct ~~an annual~~ a
8 periodic evaluation of the family support subsidy
9 program and shall submit the evaluation report with
10 recommendations to the governor and general assembly
11 ~~by September 30 following the end of the fiscal year.~~

12 Sec. ____ Section 225C.42, subsection 2, paragraph
13 a, Code Supplement 2003, is amended to read as
14 follows:

15 a. A statement of the number of children and
16 families served by the program during the ~~fiscal year~~
17 period and the number remaining on the waiting list at
18 the end of the ~~fiscal year~~ period.

19 Sec. ____ Section 232.2, subsection 13, Code
20 Supplement 2003, is amended to read as follows:

21 13. "Department" means the department of human
22 services and includes the local, county, and ~~regional~~
23 service area offices of the department.

24 Sec. ____ Section 232.52, subsection 2A, Code
25 Supplement 2003, is amended to read as follows:

26 2A. Notwithstanding subsection 2, the court shall
27 not order group foster care placement of the child
28 which is a charge upon the state if that placement is
29 not in accordance with the ~~regional service area~~ plan
30 for group foster care established pursuant to section
31 232.143 for the departmental ~~region~~ service area in
32 which the court is located.

33 Sec. ____ Section 232.52, subsection 7, Code
34 Supplement 2003, is amended to read as follows:

35 7. If the court orders the transfer of the custody
36 of the child to the department of human services or to
37 another agency for placement in group foster care, the
38 department or agency shall make every reasonable
39 effort to place the child ~~within the state~~, in the
40 least restrictive, most family-like, and most
41 appropriate setting available and in close proximity
42 to the parents' home, consistent with the child's best
43 interests and special needs, and shall consider the
44 placement's proximity to the school in which the child
45 is enrolled at the time of placement.

46 Sec. ____ Section 232.68, subsection 4, Code
47 Supplement 2003, is amended to read as follows:

48 4. "Department" means the state department of
49 human services and includes the local, county, and
50 ~~regional~~ service area offices of the department.

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1 Sec. ____ Section 232.72, subsection 1, Code
2 Supplement 2003, is amended to read as follows:

3 1. For the purposes of this division, the terms
4 “department of human services”, “department”, or
5 “county attorney” ordinarily refer to the ~~regional~~
6 service area or local office of the department of
7 human services or of the county attorney’s office
8 serving the county in which the child’s home is
9 located.

10 Sec. ____ Section 232.102, subsection 1A, Code
11 Supplement 2003, is amended to read as follows:

12 1A. The court shall not order group foster care
13 placement of the child which is a charge upon the
14 state if that placement is not in accordance with the
15 ~~regional service area~~ plan for group foster care
16 established pursuant to section 232.143 for the
17 departmental ~~region service area~~ in which the court is
18 located.

19 Sec. ____ Section 232.102, subsection 7, Code
20 Supplement 2003, is amended to read as follows:

21 7. In any order transferring custody to the
22 department or an agency, or in orders pursuant to a
23 custody order, the court shall specify the nature and
24 category of disposition which will serve the best
25 interests of the child, and shall prescribe the means
26 by which the placement shall be monitored by the
27 court. If the court orders the transfer of the
28 custody of the child to the department of human
29 services or other agency for placement, the department
30 or agency shall submit a case permanency plan to the
31 court and shall make every reasonable effort to return
32 the child to the child’s home as quickly as possible
33 consistent with the best interests of the child. When
34 the child is not returned to the child’s home and if
35 the child has been previously placed in a licensed
36 foster care facility, the department or agency shall
37 consider placing the child in the same licensed foster
38 care facility. If the court orders the transfer of
39 custody to a parent who does not have physical care of
40 the child, other relative, or other suitable person,
41 the court may direct the department or other agency to
42 provide services to the child’s parent, guardian, or
43 custodian in order to enable them to resume custody of
44 the child. If the court orders the transfer of
45 custody to the department of human services or to
46 another agency for placement in group foster care, the
47 department or agency shall make every reasonable
48 effort to place the child ~~within Iowa~~, in the least
49 restrictive, most family-like, and most appropriate
50 setting available, and in close proximity to the

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1 parents' home, consistent with the child's best
2 interests and special needs, and shall consider the
3 placement's proximity to the school in which the child
4 is enrolled at the time of placement.

5 Sec. ____ Section 232.102, Code Supplement 2003,
6 is amended by adding the following new subsection:
7 NEW SUBSECTION. 13. Unless prohibited by the
8 court order transferring custody of the child for
9 placement or other court order or the department or
10 agency that received the custody transfer finds that
11 allowing the visitation would not be in the child's
12 best interest, the department or agency may authorize
13 reasonable visitation with the child by the child's
14 grandparent, great-grandparent, or other adult
15 relative who has established a substantial
16 relationship with the child. The visitation shall not
17 be authorized for a grandparent or great-grandparent
18 whose petition for visitation under section 598.35 has
19 been denied. If visitation with the grandparent,
20 great-grandparent, or other relative was authorized by
21 court order prior to removal of the child, a
22 visitation authorization under this subsection shall
23 comply with the court order.

24 Sec. ____ Section 232.117, subsection 4, Code
25 Supplement 2003, is amended to read as follows:
26 4. The court shall not order group foster care
27 placement of the child which is a charge upon the
28 state if that placement is not in accordance with the
29 ~~regional service area~~ plan for group foster care
30 established pursuant to section 232.143 for the
31 departmental ~~region service area~~ in which the court is
32 located.

33 Sec. ____ Section 232.127, subsection 8, Code
34 Supplement 2003, is amended to read as follows:
35 8. The court shall not order group foster care
36 placement of the child which is a charge upon the
37 state if that placement is not in accordance with the
38 ~~regional service area~~ plan for group foster care
39 established pursuant to section 232.143 for the
40 departmental ~~region service area~~ in which the court is
41 located.

42 Sec. ____ Section 232.143, Code Supplement 2003,
43 is amended to read as follows:
44 232.143 REGIONAL SERVICE AREA GROUP FOSTER CARE
45 BUDGET TARGETS.

46 1. A statewide expenditure target for children in
47 group foster care placements in a fiscal year, which
48 placements are a charge upon or are paid for by the
49 state, shall be established annually in an
50 appropriation bill by the general assembly. ~~The~~

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1 ~~Representatives of the~~ department and ~~the judicial~~
2 ~~branch juvenile court services~~ shall jointly develop
3 formula for allocating a portion of the statewide
4 expenditure target established by the general assembly
5 to each of the department's ~~regions~~ service areas.
6 The formula shall be based upon the ~~region's~~ service
7 area's proportion of the state population of children
8 and of the statewide usage of group foster care in the
9 previous five completed fiscal years and upon other
10 indicators of need. The expenditure amount determined
11 in accordance with the formula shall be the group
12 foster care budget target for that ~~region~~ service
13 area. A ~~region~~ service area may exceed ~~its~~ the
14 service area's budget target for group foster care by
15 not more than five percent in a fiscal year, provided
16 the overall funding allocated by the department for
17 all child welfare services in the ~~region~~ service area
18 is not exceeded.

19 2. For each of the department's ~~regions~~ service
20 areas, representatives appointed by the department and
21 ~~the juvenile court services~~ shall establish a plan for
22 containing the expenditures for children placed in
23 group foster care ordered by the court within the
24 budget target allocated to that ~~region~~ service area
25 pursuant to subsection 1. The plan shall be
26 established in a manner so as to ensure the budget
27 target amount will last the entire fiscal year. The
28 plan shall include monthly targets and strategies for
29 developing alternatives to group foster care
30 placements in order to contain expenditures for child
31 welfare services within the amount appropriated by the
32 general assembly for that purpose. Funds for a child
33 placed in group foster care shall be considered
34 encumbered for the duration of the child's projected
35 or actual length of stay, whichever is applicable.
36 Each ~~regional~~ service area plan shall be established
37 within sixty days of the date by which the group
38 foster care budget target for the ~~region~~ service area
39 is determined. To the extent possible, the department
40 and ~~the juvenile court services~~ shall coordinate the
41 planning required under this subsection with planning
42 for services paid under section 232.141, subsection 4.
43 The department's ~~regional administrator~~ service area
44 manager shall communicate regularly, as specified in
45 the ~~regional~~ service area plan, with the ~~chief~~
46 ~~juvenile courts court officers~~ within that ~~region~~
47 service area concerning the current status of the
48 ~~regional~~ service area plan's implementation.
49 3. State payment for group foster care placements
50 shall be limited to those placements which are in

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1 accordance with the ~~regional service area~~ plans
 2 developed pursuant to subsection 2.
 3 Sec. ____ Section 232.188, subsection 4, Code
 4 Supplement 2003, is amended to read as follows:
 5 4. In a decategorization agreement, the department
 6 and the county's or group of counties'
 7 decategorization governance board shall agree on all
 8 of the following items: the governance relationship
 9 between the department and the decategorization
 10 governance board; the respective areas of autonomy of
 11 the department and the board; the budgeting structure
 12 for the decategorization; and a method for resolving
 13 disputes between the department and the board. The
 14 decategorization agreement shall require the
 15 department and the decategorization governance board
 16 to agree upon a budget within sixty days of the date
 17 by which the ~~regional~~ group foster care budget targets
 18 are determined for departmental service areas under
 19 section 232.143 for the fiscal year to which the
 20 budget applies. The budget may later be modified to
 21 reflect new or changed circumstances.
 22 Sec. ____ Section 234.35, subsection 1, paragraph
 23 e, Code Supplement 2003, is amended to read as
 24 follows:
 25 e. When a court has entered an order transferring
 26 the legal custody of the child to a foster care
 27 placement pursuant to section 232.52, subsection 2,
 28 paragraph "d", or section 232.102, subsection 1.
 29 However, payment for a group foster care placement
 30 shall be limited to those placements which conform to
 31 a ~~regional service area~~ group foster care plan
 32 established pursuant to section 232.143.
 33 Sec. ____ Section 235B.1, subsection 4, paragraph
 34 a, subparagraph (1), Code 2003, is amended to read as
 35 follows:
 36 (1) Advise the director of human services ~~and the~~
 37 ~~administrator of the division of child and family~~
 38 ~~services of the department of human services, the~~
 39 director of elder affairs, the director of inspections
 40 and appeals, the director of public health, the
 41 director of the department of corrections, and the
 42 director of human rights regarding dependent adult
 43 abuse."
 44 2. By striking page 1, line 3, through page 2,
 45 line 2, and inserting the following:
 46 ~~"2. All of the following persons shall report~~
 47 ~~suspected dependent adult abuse to the department:~~
 48 ~~a. A social worker.~~
 49 ~~b. A certified psychologist.~~
 50 ~~e. 2. A person who, in the course of employment,~~

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1 examines, attends, counsels, or treats a dependent
 2 adult and reasonably believes the dependent adult has
 3 suffered abuse, shall report the suspected dependent
 4 adult abuse to the department including all of the
 5 following:

6 ~~(4)~~ a. A member of the staff of a community
 7 mental health center, a member of the staff of a
 8 hospital, a member of the staff or employee of a
 9 public or private health care facility as defined in
 10 section 135C.1, a member of the staff or employee of
 11 an elder group home as defined in section 231B.1, a
 12 member of the staff or employee of an assisted living
 13 program certified under section 231C.3, and a member
 14 of the staff or employee of an adult day services
 15 program as defined in section 231D.1.

16 ~~(2)~~ b. A peace officer.

17 ~~(3)~~ c. An in-home homemaker-home health aide.

18 ~~(4)~~ d. An individual employed as an outreach
 19 person.

20 ~~(5)~~ e. A health practitioner, as defined in
 21 section 232.68.

22 ~~(6)~~ f. A member of the staff or an employee of a
 23 supported community living service, sheltered
 24 workshop, or work activity center.

25 g. A social worker.

26 h. A certified psychologist.

27 ~~d. A person who performs inspections of elder~~
 28 ~~group homes for the department of inspections and~~
 29 ~~appeals and a resident advocate committee member~~
 30 ~~assigned to an elder group home pursuant to chapter~~
 31 ~~231B.~~

32 3. a. If a staff member or employee is required
 33 to report pursuant to this section, the person shall
 34 immediately notify the department and shall also
 35 immediately notify the person in charge or the
 36 person's designated agent, ~~and the person in charge or~~
 37 ~~the designated agent shall make the report by the end~~
 38 ~~of the next business day.~~

39 b. The employer or supervisor of a person who is
 40 required to or may make a report pursuant to this
 41 section shall not apply a policy, work rule, or other
 42 requirement that interferes with the person making a
 43 report of dependent adult abuse or that results in the
 44 failure of another person to make the report."

45 3. Page 2, by inserting before line 3, the
 46 following:

47 "Sec. ____ Section 235B.3, Code Supplement 2003,
 48 is amended by adding the following new subsection:
 49 NEW SUBSECTION. 3A. An employee of a financial
 50 institution may report suspected financial

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1 exploitation of a dependent adult to the department.”
 2 4. Page 2, by inserting before line 3 the
 3 following:
 4 “Sec. ____ Section 237.5A, Code 2003, is amended
 5 by adding the following new unnumbered paragraph:
 6 NEW UNNUMBERED PARAGRAPH. A licensee who is unable
 7 to complete six hours of foster parent training prior
 8 to annual licensure renewal because the licensee is
 9 engaged in active duty in the military service shall
 10 be considered to be in compliance with the training
 11 requirement for annual licensure renewal.”
 12 5. By striking page 3, line 27, through page 4,
 13 line 22, and inserting the following:
 14 “Sec. ____ Section 235A.15, subsection 10, if
 15 enacted by 2004 Iowa Acts, House File 2328, section 7,
 16 is amended to read as follows:
 17 10. The information released by the director of
 18 human services or the director’s designee pursuant to
 19 a request made under subsection 9 relating to a case
 20 of founded child abuse involving a fatality or near
 21 fatality to a child shall ~~be a summary of~~ include all
 22 of the following, unless such information is excepted
 23 from disclosure under subsection 9:
 24 a. Any relevant child abuse ~~report data~~
 25 information concerning the child or the child’s family
 26 and the department’s response and findings ~~concerning~~
 27 ~~the report data, including but not limited to~~
 28 ~~assessment and disposition data.~~
 29 b. ~~Information~~ A summary of information, that
 30 would otherwise be confidential under section 217.30,
 31 as to whether or not the child or a member of the
 32 child’s family was utilizing social services provided
 33 by the department at the time of the child fatality or
 34 near fatality or within the five-year period preceding
 35 the fatality or near fatality.
 36 c. Any recommendations made by the department to
 37 the county attorney or the juvenile court.
 38 d. If applicable, a summary of an evaluation of
 39 the department’s responses in the case.
 40 Sec. ____ CHILD DEVELOPMENT HOMES — PROVIDER
 41 QUALIFICATIONS. The department of human services
 42 shall revise the department’s standards for child
 43 development home provider qualifications under
 44 category “C” which are applicable at times when more
 45 than one qualified provider must be present. The
 46 revised standards shall provide that one of the
 47 providers required to be present must meet the
 48 provider qualifications for category “C” and allow any
 49 other providers required to be present to meet the
 50 provider qualifications for either category “B” or

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- 1 “C”. Until the revised standards are adopted, a
2 provider to which the revised standards would be
3 applicable may request approval from the department
4 for an exception to policy for the provider to operate
5 under the revised standards as described in this
6 section prior to adoption of the revised standards.”
7 6. Title page, by striking lines 2 and 3 and
8 inserting the following: “the department of human
9 services.”
10 7. By renumbering as necessary.

KEN VEENSTRA

S-5341

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 28, line 35, by inserting after the word
5 “dollars.” the following: “A holder of a license
6 awarded pursuant to an auction conducted as provided
7 by this subsection shall, as a condition of receiving
8 a license under this subsection, conduct pari-mutuel
9 wagering at the same racetrack facility within the
10 applicable county that was operated by the holder of
11 the license prior to the auction and shall enter into
12 a governmental operating agreement consistent with the
13 requirements of this section. The governmental
14 operating agreement required by this subsection shall
15 provide that the holder of the license awarded
16 pursuant to this subsection shall enter into an
17 agreement with the applicable local governing body
18 that provides for the continued payment of moneys from
19 the holder of the license to the applicable local
20 governing body in an amount that is monetarily
21 consistent with the amount previously required to be
22 received by the local governing body from the prior
23 licensee.”

MATT W. McCOY

S-5342

- 1 Amend the House amendment, S-5292, to Senate File
2 2269, as passed by the Senate, as follows:
3 1. Page 2, by striking lines 22 and 23, and
4 inserting the following: “the office of the
5 commissioner within seventy-two hours of retrieving
6 the completed ballot or before the closing of the
7 polls on election day, whichever is earlier.”

- 8 2. Page 2, by inserting after line 17, the
 9 following:
 10 “___ . Page 13, line 26, by striking the words
 11 “commissioner, or” and inserting the following:
 12 “~~commissioner, or, A registered voter may~~”.
- 13 ___ . Page 13, line 28, by inserting after the
 14 word “ballot.” the following: “A written application
 15 for an absentee ballot must be received by the
 16 commissioner no later than five p.m. on the Friday
 17 before the election.”
- 18 ___ . Page 14, line 17, by inserting after the
 19 word “applicant” the following: “or no later than
 20 five p.m. on the Friday before the election, whichever
 21 is earlier”.
- 22 ___ . Page 15, line 4, by inserting after the word
 23 “applicant” the following: “or no later than five
 24 p.m. on the Friday before the election, whichever is
 25 earlier.”
- 26 3. Page 3, line 43, by inserting after the word
 27 “commissioner.” the following: “However, if a person
 28 has completed training as an absentee ballot courier
 29 and the person is unable to register because the
 30 commissioner’s office is closed, the person may
 31 retrieve completed absentee ballots if the political
 32 party, candidate, or committee for which the person
 33 acts as an actual or implied agent immediately
 34 notifies the commissioner by facsimile transmission or
 35 electronic mail that the person has successfully
 36 completed the required training and will register with
 37 the commissioner within seventy-two hours of
 38 completing training.”
- 39 4. Page 4, by striking line 2, and inserting the
 40 following: “the respective state or county central
 41 committees, or a member of the paid staff of such
 42 committees, by the county party, the state party, or a
 43 candidate affiliated with such parties. The”.
- 44 5. Page 4, line 22, by striking the words “by
 45 five p.m.” and inserting the following: “before the
 46 closing of the polls”.
- 47 6. Page 4, by inserting after line 35, the
 48 following:
 49 “___ . Page 18, line 6, by inserting after the
 50 word “enactment” the following: “and applies to

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- 1 elections held on or after September 15, 2004”.
- 2 7. Page 4, by inserting after line 38 the
 3 following:
 4 “___ . Title page, lines 4 and 5, by striking the
 5 words “an effective date” and inserting the following:

6 “effective and applicability dates”.
7 8. By renumbering as necessary.

JOHN P. KIBBIE

S-5343

1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
4 1. Page 18, by inserting after line 24 the
5 following:
6 “Sec. ____ NEW SECTION. 99F.7A PARI-MUTUEL
7 WAGERING AT RACETRACK ENCLOSURES — PROPOSITION —
8 ADDITIONAL TAXATION.
9 1. If gambling games at a racetrack enclosure have
10 been authorized pursuant to this chapter and upon
11 petition of the eligible voters of the county where
12 the racetrack enclosure is located equal in number to
13 at least one percent of the votes cast in the county
14 for the office of governor at the 2002 general
15 election, the board of supervisors shall submit a
16 proposition to the county electorate on whether pari-
17 mutuel wagering shall be authorized at the racetrack
18 enclosure. The petition shall be filed with the board
19 of supervisors within ninety days of July 1, 2004, and
20 shall comply with section 331.306, except that the
21 board of supervisors shall notify the commissioner of
22 elections to schedule the special election within one
23 hundred eighty days of July 1, 2004. The proposition
24 shall consist of the following question:
25 “Shall pari-mutuel wagering be conducted at the
26 racetrack enclosure located in this county?”
27 2. If the proposition to conduct pari-mutuel
28 wagering at a racetrack enclosure is disapproved by
29 the county electorate, pari-mutuel wagering shall not
30 be conducted at the racetrack enclosure and the
31 commission shall note this limitation on the
32 applicable license.
33 3. A licensee of a racetrack enclosure not
34 authorized to conduct pari-mutuel wagering pursuant to
35 this section shall pay an enhanced county endowment
36 fee equal to eight percent on any amount of annual
37 adjusted gross receipts of the licensee over three
38 million dollars. The racing and gaming commission
39 shall immediately revoke the license to conduct
40 gambling games of any licensee that fails to pay the
41 enhanced county endowment fee as required by this
42 subsection. Notwithstanding any provision of this
43 chapter to the contrary, the fee collected pursuant to
44 this section shall be deposited in the county

45 endowment fund created in section 15E.311.”

46 2. By renumbering as necessary.

BOB BRUNKHORST

S-5344

1 Amend House File 2418, as amended, passed, and
2 reprinted by the House, as follows:

3 1. Page 1, by striking lines 12 through 14 and
4 inserting the following: “at an institution for a
5 fiscal year shall be made ~~no later than the~~ at a
6 ~~regular meeting held in November of the preceding~~
7 ~~fiscal year~~ and shall be reflected in a final docket”.

8 2. Page 1, by striking line 17 and inserting the
9 following: “control. The regular meeting ~~held in~~
10 ~~November~~ shall be”.

11 3. Page 1, line 19, by striking the word “the”
12 and inserting the following: “~~the~~ a”.

DONALD B. REDFERN

S-5345

1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 6, line 15, by inserting before the words
5 “A licensee” the following: “a.”

6 2. Page 6, by inserting after line 28 the
7 following:

8 “b. A licensee shall require each person entering
9 the grounds or enclosure of the licensee to pay an
10 admission fee of at least ten dollars and shall pay to
11 the commission ten dollars for each person so
12 admitted. The revenue received by the commission
13 pursuant to this paragraph shall be credited to the
14 gaming admission fee distribution fund created in
15 section 99F.19.”

16 3. Page 12, line 43, by striking the words
17 “regulatory fee” and inserting the following: “fee
18 fees”.

19 4. Page 12, line 47 by striking the words
20 “regulatory fee” and inserting the following: “fee
21 fees”.

22 5. Page 18, line 44, by striking the words
23 “ADMISSION REGULATORY FEE” and inserting the
24 following: “ADMISSION ~~FEE~~ AND REGULATORY FEES”.

25 6. Page 18, line 50, by inserting after the
26 figure “2.” the following: “a.”

27 7. Page 19, line 10, by striking the word “~~b~~”
28 and inserting the following: “b.”

29 8. Page 19, line 14, by inserting after the word
30 "~~rate.~~" the following: "In addition to the admission
31 fee charged under subsection 3, an excursion gambling
32 boat licensee shall require each person embarking on
33 an excursion gambling boat to pay an admission fee of
34 at least ten dollars and shall pay to the commission
35 ten dollars for each person so admitted. The revenue
36 received by the commission pursuant to this paragraph
37 shall be credited to the gaming admission fee
38 distribution fund created in section 99F.19."

39 9. Page 23, by inserting after line 44 the
40 following:

41 "Sec. . NEW SECTION. 99F.19 GAMING ADMISSION
42 FEE DISTRIBUTION FUND.

43 1. FUND CREATED. A gaming admission fee
44 distribution fund is created in the state treasury
45 under the control of the commission. The fund
46 consists of all moneys credited to the fund. Moneys
47 in the fund shall be distributed by the commission as
48 provided in this section.

49 2. ACCOUNT DISTRIBUTIONS. Of admission revenue
50 received by the commission and credited to the fund,

Page 2

1 for each ten dollars per admission received, the
2 following amounts shall be transferred to the
3 following accounts within the fund and distributed
4 from the accounts as provided in this section.
5 a. Five dollars to the education account.
6 b. Seventy-five cents to the community college
7 account.
8 c. Seventy-five cents to the state board of
9 regents account.
10 d. Seventy-five cents to the children and family
11 services account.
12 e. One dollar to the senior living trust fund
13 account until such time as the appropriations to the
14 senior living trust fund from the senior living trust
15 fund account, made in section 8.57, subsection 1A,
16 paragraph "a", if enacted by 2004 Iowa Acts, House
17 File 2039, and transferred by section 8.55, subsection
18 2, paragraph "c", equal one hundred eighteen million
19 dollars.
20 f. Twenty-five cents to the wildlife diversity
21 account.
22 g. Twenty-five cents to the Iowa resources
23 enhancement and protection fund account.
24 h. Twenty-five cents to the administration
25 account.
26 i. The remaining portion of the admission fee not
27 otherwise transferred to an account pursuant to this

28 subsection shall be credited to the rebuild Iowa
29 infrastructure fund as created in section 8.57.

30 3. EDUCATION ACCOUNT.

31 a. Moneys in the education account are
32 appropriated to the department of education to
33 supplement the amount appropriated pursuant to section
34 257.16 from the general fund of the state to pay the
35 foundation aid and to pay the supplementary aid under
36 section 257.4, subsection 2.

37 b. The moneys appropriated pursuant to this
38 subsection shall be in addition to, and shall not
39 replace, funds otherwise appropriated pursuant to
40 section 257.16 for the applicable fiscal year and
41 shall be distributed on a per pupil basis to school
42 districts based upon each district's budget enrollment
43 and shall be used for any of the following purposes:

44 (1) Technology hardware, software, networking and
45 equipment purchases, upgrades and training associated
46 with technology use, and incorporation of technology
47 into the district's curriculum.

48 (2) Professional development that meets the
49 definition of quality professional development under
50 the student achievement and teacher quality program.

Page 3

1 (3) Textbooks, supplies, media and library
2 resources including personnel, and classroom
3 equipment.

4 (4) Assessment systems, curriculum alignment
5 expenses, and any other resources necessary to meet
6 locally established student learning goals or to
7 comply with federal and state mandates of improved
8 student performance.

9 (5) Expansion of arts, theater, debate, academic
10 decathlon, music, and foreign language programs and
11 other opportunities for children to participate in
12 curricular and extracurricular opportunities.

13 (6) Preschool, before-school and after-school
14 programs, and summer school programs.

15 (7) Adult and community education programs.

16 (8) Energy efficiency improvements and
17 transportation-equipment fuel-emissions testing.

18 4. COMMUNITY COLLEGE ACCOUNT. Moneys in the
19 community college account are appropriated to the
20 department of education for general state financial
21 aid to merged areas as defined in section 260C.2 in
22 accordance with chapters 258 and 260C and allocated to
23 each merged area during a fiscal year in the same
24 proportion as moneys are otherwise appropriated and
25 allocated to each merged area by the department of
26 education in that fiscal year.

27 5. STATE BOARD OF REGENTS ACCOUNT. Moneys in the
 28 state board of regents account are appropriated to the
 29 state board of regents for distribution to each
 30 regents institution in the same proportion as moneys
 31 are otherwise appropriated to each institution for the
 32 applicable fiscal year.

33 6. CHILDREN AND FAMILY SERVICES ACCOUNT. Moneys
 34 in the children and family services account are
 35 appropriated to the department of human services for
 36 children and family services.

37 7. SENIOR LIVING TRUST FUND ACCOUNT. Moneys in
 38 the senior living trust fund account are appropriated
 39 to the senior living trust fund created in section
 40 249H.4.

41 8. WILDLIFE DIVERSITY ACCOUNT. Moneys in the
 42 wildlife diversity account are appropriated to the
 43 department of natural resources for wildlife diversity
 44 programs.

45 9. REAP ACCOUNT. Moneys in the Iowa resources
 46 enhancement and protection fund account are
 47 appropriated to the Iowa resources enhancement and
 48 protection fund created pursuant to section 455A.18.

49 10. ADMINISTRATION ACCOUNT. Moneys in the
 50 administration account are appropriated to the

Page 4

1 commission for the purposes of administering this
 2 section.”

3 10. By renumbering as necessary.

MARY LUNDBY

S-5346

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 7, by striking lines 29 and 30 and
 5 inserting the following: “the governing board of the
 6 applicable licensee.”

7 2. Page 23, by striking lines 28 and 29 and
 8 inserting the following: “governing board of the
 9 applicable licensee.”

DOUG SHULL

S-5347

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 15, line 45, by inserting after the word
 5 “boat.” the following: “If the commission issues any
 6 additional licenses to conduct gambling games under
 7 this chapter in addition to the number of licenses
 8 issued as of January 1, 2004, such license shall only
 9 be issued for a facility if the applicant facility
 10 will be located more than fifty miles from a facility
 11 to which a license to conduct gambling games has been
 12 granted under this chapter.”

MARY LUNDBY

S-5348

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 15, line 36, by inserting after the
 5 figure “2004” the following: “and less the annual
 6 amount, as determined pursuant to an audit by the
 7 commission, distributed by the licensee for
 8 educational, civic, public, charitable, patriotic, or
 9 religious uses as defined in section 99B.7, subsection
 10 3, paragraph “b””.

JACK HATCH
 MATT W. McCOY
 DICK L. DEARDEN
 JACK HOLVECK
 DENNIS H. BLACK

S-5349

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 28, by inserting before line 42 the
 5 following:
 6 “Sec. ____ GAMBLING GAMES PROHIBITION — CITY OF
 7 DES MOINES.
 8 1. Notwithstanding any provision of law to the
 9 contrary, the racing and gaming commission shall not
 10 grant a license to conduct gambling games to a
 11 facility to be located in the applicable area as
 12 described in this section.
 13 2. For purposes of this section, the “applicable
 14 area” means that portion of the city of Des Moines in
 15 Polk county bounded by a line commencing at the point
 16 East Euclid avenue intersects East Fourteenth street,
 17 then proceeding south along East Fourteenth street and
 18 Southeast Fourteenth street until it intersects Park
 19 avenue, then proceeding west along Park avenue until

20 it intersects Fleur drive, then proceeding north along
 21 Fleur drive until it intersects Eighteenth street,
 22 then proceeding north along Eighteenth street until it
 23 intersects Ingersoll avenue, then proceeding west
 24 along Ingersoll avenue until it intersects Martin
 25 Luther King Jr. parkway, then proceeding northerly
 26 along Martin Luther King Jr. parkway until it
 27 intersects Euclid avenue, then proceeding east along
 28 Euclid avenue and East Euclid avenue to the point of
 29 origin. For purposes of this section, such reference
 30 to a street or other boundary means such street or
 31 boundary as they were delineated on the official Pub.
 32 L. No. 94-171 census maps used for redistricting
 33 following the 2000 United States decennial census.”
 34 2. By renumbering as necessary.

JACK HATCH
 MATT W. McCOY
 DENNIS H. BLACK
 JEFF LAMBERTI
 JACK HOLVECK
 PAT WARD

S-5350

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 15, line 45, by inserting after the word
 5 “boat.” the following: “If the commission issues any
 6 additional licenses to conduct gambling games under
 7 this chapter in addition to the number of licenses
 8 issued as of January 1, 2004, such license shall only
 9 be issued on or after July 1, 2005.”

DAVID JOHNSON
 BOB BRUNKHORST

S-5351

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 4, line 8, by striking the word
 5 “subsections” and inserting the following:
 6 “subsection”.
 7 2. Page 4, by striking lines 27 through 30.
 8 3. Page 5, by inserting after line 44 the
 9 following:
 10 “(3) When technologically feasible, a licensee
 11 shall ensure that a person may voluntarily bar the
 12 person’s access to receive cash or credit from a

13 financial institution, vendor, or other person through
 14 an electronic or mechanical device including but not
 15 limited to a satellite terminal as defined in section
 16 527.2, that is located on the licensed premises.”

17 4. Page 17, by inserting after line 49 the
 18 following:

19 “c. When technologically feasible, a licensee
 20 shall ensure that a person may voluntarily bar the
 21 person’s access to receive cash or credit from a
 22 financial institution, vendor, or other person through
 23 an electronic or mechanical device including but not
 24 limited to a satellite terminal as defined in section
 25 527.2 that is located on the licensed premises.”

26 5. Page 26, by inserting after line 14 the
 27 following:

28 “Sec. ____ 2002–2004 RACETRACK ENCLOSURES —
 29 GAMBLING GAMES TAX.

30 1. Notwithstanding any provision of section 99F.11
 31 to the contrary, a racetrack enclosure conducting
 32 gambling games shall pay a tax on the adjusted gross
 33 receipts over three million dollars received for the
 34 fiscal year beginning July 1, 2002, and ending June
 35 30, 2003, and for the fiscal year beginning July 1,
 36 2003, and ending June 30, 2004, from gambling games
 37 authorized under chapter 99F at the following tax rate
 38 for each fiscal year:

39 a. If the licensee of the racetrack enclosure
 40 conducting gambling games received adjusted gross
 41 receipts from gambling games in the fiscal year
 42 beginning July 1, 2002, of less than one hundred
 43 million dollars, twenty-two percent.

44 b. If the licensee of the racetrack enclosure
 45 conducting gambling games received adjusted gross
 46 receipts from gambling games in the fiscal year
 47 beginning July 1, 2002, of one hundred million dollars
 48 or more, twenty-four percent.

49 2. Taxes due as provided by this section on
 50 adjusted gross receipts received prior to the

Page 2

1 effective date of this section of this Act shall be
 2 paid by the licensee by June 1, 2004. Taxes on
 3 adjusted gross receipts received on or after the
 4 effective date of this section of this Act shall be
 5 due as otherwise provided for payment of taxes in
 6 section 99F.11.

7 3. Notwithstanding any provision of law to the
 8 contrary, taxes imposed by this section shall be
 9 deposited in the rebuild Iowa infrastructure fund
 10 created in section 8.57.”

11 6. Page 26, line 15, by striking the figures

- 12 “2004–2005” and inserting the following: “2005”.
- 13 7. Page 26, line 21, by inserting after the word
14 “games” the following: “on an excursion gambling
15 boat”.
- 16 8. By striking page 26, line 23, through page 27,
17 line 4.
- 18 9. Page 27, line 5, by striking the figure “3.”
19 and inserting the following: “2.”
- 20 10. Page 27, line 33, by striking the figure “4.”
21 and inserting the following: “3.”
- 22 11. Page 28, line 11, by striking the word and
23 figures “5. The 2004, 2005,” and inserting the
24 following: “4. The 2005”.
- 25 12. Page 29, by inserting after line 29 the
26 following:
27 “____. The section of this Act establishing a 2002–
28 2004 racetrack enclosure gambling games tax, being
29 deemed of immediate importance, takes effect upon
30 enactment and is retroactively applicable to July 1,
31 2002, and is applicable on and after that date.”
- 32 13. Page 29, lines 30 and 31, by striking the
33 figures “2004, 2005,” and inserting the following:
34 “2005”.
- 35 14. By renumbering as necessary.

LARRY McKIBBEN

S-5352

- 1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:
- 4 1. Page 5, line 41, by striking the words “or
5 credit”.
- 6 2. Page 5, line 44, by inserting after the word
7 “area,” the following: “However, the use of a check
8 or debit card with overdraft protection is not
9 prohibited by this subparagraph.”
- 10 3. Page 5, by inserting after line 44 the
11 following:
12 “(3) A licensee shall not permit a financial
13 institution, vendor, or other person to dispense
14 credit through an electronic or mechanical device
15 including but not limited to a satellite terminal, as
16 defined in section 527.2, that is located on the
17 licensed premises.”
- 18 4. Page 17, line 46, by striking the words “or
19 credit”.
- 20 5. Page 17, line 49, by inserting after the word
21 “floor,” the following: “However, the use of a check
22 or debit card with overdraft protection is not
23 prohibited by this paragraph.”

- 24 6. Page 17, by inserting after line 49 the
 25 following:
 26 “c. A licensee shall not permit a financial
 27 institution, vendor, or other person to dispense
 28 credit through an electronic or mechanical device
 29 including but not limited to a satellite terminal, as
 30 defined in section 527.2, that is located on the
 31 licensed premises.”
 32 7. By renumbering as necessary.

BOB BRUNKHORST

S-5353

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 17, line 15, by striking the figure
 5 “2007” and inserting the following: “2009”.

HUBERT HOUSER
 ROBERT E. DVORSKY
 GENE FRAISE

S-5354

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 28, by striking lines 15 through 41.
 5 2. Page 29, by striking lines 34 through 37.
 6 3. By renumbering as necessary.

JEFF LAMBERTI

S-5355

- 1 Amend the House amendment, S-5292, to Senate File
 2 2269, as passed by the Senate, as follows:
 3 1. Page 1, by inserting before line 9, the
 4 following:
 5 “ . Page 1, by inserting after line 14 the
 6 following:
 7 “Sec. . Section 46.21, unnumbered paragraph 1,
 8 Code 2003, is amended to read as follows:
 9 At least sixty-nine days before each judicial
 10 election, the state commissioner of elections shall
 11 certify to the county commissioner of elections of
 12 each county a list of the judges of the supreme court,
 13 court of appeals, and district court including
 14 district associate judges, full-time associate
 15 juvenile judges, and full-time associate probate

16 judges, and clerks of the district court to be voted
 17 on in each county at that election. The county
 18 commissioner of elections shall place the names upon
 19 the ballot in the order in which they appear in the
 20 certificate, ~~unless only one county is voting thereon.~~
 21 The state commissioner of elections shall rotate the
 22 names in the certificate by county, ~~or the county~~
 23 ~~commissioner of elections shall rotate them upon the~~
 24 ~~ballot by precinct if only one county is voting~~
 25 ~~thereon.~~ The names of all judges and clerks to be
 26 voted on shall be placed upon one ballot, which shall
 27 be in substantially the following form:”

DICK L. DEARDEN
 MATT W. McCOY

S-5356

- 1 Amend House File 2555, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 2, line 9, through page 3,
 4 line 2.
 5 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
 JEFF ANGELO, Chair

S-5357

- 1 Amend the amendment, S-5340, to House File 2390, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 3, by striking lines 16 through 23 and
 5 inserting the following: “relationship with the
 6 child.”

KEITH A. KREIMAN
 KEN VEENSTRA
 DAVID JOHNSON

S-5358

HOUSE AMENDMENT TO SENATE FILE 2288

- 1 Amend Senate File 2288, as amended, passed, and
 2 reprinted by the Senate, as follows:
 3 1. Page 14, by inserting after line 19, the
 4 following:
 5 “If the amount of the child care and development
 6 block grant to be received exceeds the amount
 7 appropriated in this section and the excess amount is

8 sufficient to fund both the purposes identified by the
 9 department for the excess amount and the purpose
 10 described in this sentence, notwithstanding contrary
 11 provisions of 2004 Iowa Acts, Senate File 2298, if
 12 enacted, the department shall, to the extent
 13 sufficient funds are available, set child care
 14 provider reimbursement rates based on the most
 15 recently completed rate reimbursement survey. Moneys
 16 appropriated in this section that remain unencumbered
 17 or unobligated at the close of the fiscal year shall
 18 revert to be available for appropriation for purposes
 19 of the child care and development block grant in the
 20 succeeding fiscal year.”

21 2. Page 15, line 12, by inserting after the word
 22 “Chairpersons” the following: “and ranking members”.

23 3. By renumbering, relettering, or redesignating
 24 and correcting internal references as necessary.

S-5359

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 1, lines 28 and 29, by striking the words
 5 “may distribute up to eighty” and inserting the
 6 following: “shall distribute seventy-five”.

7 2. Page 1, line 33, by striking the words “the
 8 remainder” and inserting the following: “twenty-five
 9 percent”.

JEFF LAMBERTI

S-5360

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 5, line 41, by striking the words “or
 5 credit”.

6 2. Page 5, line 44, by inserting after the word
 7 “area,” the following: “However, the use of a check
 8 or debit card with overdraft protection is not
 9 prohibited by this subparagraph.”

10 3. Page 5, by inserting after line 44 the
 11 following:

12 “(3) A licensee shall not permit a financial
 13 institution, vendor, or other person to dispense
 14 credit through an electronic or mechanical device
 15 including but not limited to a satellite terminal, as
 16 defined in section 527.2, that is located on the
 17 licensed premises.”

18 (4) When technologically feasible, a licensee

19 shall ensure that a person may voluntarily bar the
20 person's access to receive cash from a financial
21 institution, vendor, or other person through an
22 electronic or mechanical device including but not
23 limited to a satellite terminal as defined in section
24 527.2, that is located on the licensed premises."

25 4. Page 17, line 46, by striking the words "or
26 credit".

27 5. Page 17, line 49, by inserting after the word
28 "floor," the following: "However, the use of a check
29 or debit card with overdraft protection is not
30 prohibited by this paragraph."

31 6. Page 17, by inserting after line 49 the
32 following:

33 "c. A licensee shall not permit a financial
34 institution, vendor, or other person to dispense
35 credit through an electronic or mechanical device
36 including but not limited to a satellite terminal, as
37 defined in section 527.2, that is located on the
38 licensed premises.

39 d. When technologically feasible, a licensee shall
40 ensure that a person may voluntarily bar the person's
41 access to receive cash from a financial institution,
42 vendor, or other person through an electronic or
43 mechanical device including but not limited to a
44 satellite terminal as defined in section 527.2 that is
45 located on the licensed premises."

46 7. By renumbering as necessary.

BOB BRUNKHORST

S-5361

1 Amend the amendment, S-5312, to House File 2302, as
2 amended, passed, and reprinted by the House, as
3 follows:

4 1. Page 15, by striking lines 12 through 22 and
5 inserting the following: "the dog or horse owners.
6 For each agreement concerning purses for horse racing
7 beginning on or after January 1, 2006, and ending
8 before January 1, 2021, the agreement shall provide
9 that total annual purses for all horse racing shall be
10 no less than eleven percent of the first two hundred
11 million dollars of net receipts, and six percent of
12 net receipts above two hundred million dollars,
13 subject to commission approval. A".

JEFF ANGELO
NEAL SCHUERER
DENNIS H. BLACK
DOUG SHULL
BRYAN J. SIEVERS

S-5362

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 13, by inserting after line 44 the
 5 following:
 6 “Sec. ____ NEW SECTION. 99F.4C GAMBLING GAMES
 7 PROHIBITION AREA.
 8 1. Notwithstanding any provision of this chapter
 9 or chapter 99D to the contrary, the commission shall
 10 not grant a license to conduct gambling games to a
 11 facility to be located in the applicable area as
 12 described in this section.
 13 2. For purposes of this section, the “applicable
 14 area” means that portion of the city of Des Moines in
 15 Polk county bounded by a line commencing at the point
 16 East Euclid avenue intersects East Fourteenth street,
 17 then proceeding south along East Fourteenth street and
 18 Southeast Fourteenth street until it intersects Park
 19 avenue, then proceeding west along Park avenue until
 20 it intersects Fleur drive, then proceeding north along
 21 Fleur drive until it intersects Eighteenth street,
 22 then proceeding north along Eighteenth street until it
 23 intersects Ingersoll avenue, then proceeding west
 24 along Ingersoll avenue until it intersects Martin
 25 Luther King Jr. parkway, then proceeding northerly
 26 along Martin Luther King Jr. parkway until it
 27 intersects Euclid avenue, then proceeding east along
 28 Euclid avenue and East Euclid avenue to the point of
 29 origin. For purposes of this section, such reference
 30 to a street or other boundary means such street or
 31 boundary as they were delineated on the official Pub.
 32 L. No. 94-171 census maps used for redistricting
 33 following the 2000 United States decennial census.”
 34 2. By renumbering as necessary.

JACK HATCH

S-5363

- 1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:
 4 1. Page 6, by inserting after line 4 the
 5 following:
 6 “Sec. ____ NEW SECTION. 99D.9A MORATORIUM.
 7 The commission shall not issue a license to conduct
 8 pari-mutuel wagering at a racetrack pursuant to this
 9 chapter as provided in section 99F.4C.”
 10 2. Page 13, by inserting after line 44 the
 11 following:

12 “Sec. ____ NEW SECTION. 99F.4C MORATORIUM FOR
 13 ISSUANCE OF LICENSES FOR GAMBLING GAMES AND PARI-
 14 MUTUEL WAGERING.

15 1. Commencing with the effective date of this
 16 section of this Act, the commission shall not issue a
 17 license to conduct pari-mutuel wagering at a racetrack
 18 pursuant to chapter 99D or to conduct gambling games
 19 on an excursion boat or at a pari-mutuel racetrack
 20 pursuant to this chapter. However, this moratorium
 21 shall not apply to the granting of a table games
 22 license as provided by this chapter.

23 2. This section does not affect the validity of a
 24 license issued by the commission pursuant to chapter
 25 99D or this chapter before the effective date of this
 26 section of this Act or the authority of the commission
 27 to suspend, revoke, transfer, or renew a license
 28 issued before the effective date of this section of
 29 this Act pursuant to chapter 99D or this chapter.”

30 3. Page 20, by striking lines 15 through 47.

31 4. Page 29, by inserting after line 14 the
 32 following:

33 “____. The section of this Act enacting section
 34 99F.4C, being deemed of immediate importance, takes
 35 effect upon enactment.”

36 5. Page 29, by striking lines 38 through 40.

37 6. By renumbering as necessary.

BOB BRUNKHORST
 DAVID JOHNSON
 KITTY REHBERG
 PAUL McKINLEY
 KEN VEENSTRA
 JULIE M. HOSCH
 JACK HOLVECK

S-5364

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 6, line 15, by inserting before the words
 5 “A licensee” the following: “a.”

6 2. Page 6, by inserting after line 28 the
 7 following:

8 “b. A licensee shall require each person entering
 9 the grounds or enclosure of the licensee to pay an
 10 admission fee of at least five dollars and shall pay
 11 to the commission five dollars for each person so
 12 admitted. The revenue received by the commission
 13 pursuant to this paragraph shall be credited to the
 14 gaming admission fee distribution fund created in
 15 section 99F.19.”

- 16 3. Page 12, line 43, by striking the words
 17 "regulatory fee" and inserting the following: "fee
 18 fees".
- 19 4. Page 12, line 47 by striking the words
 20 "regulatory fee" and inserting the following: "fee
 21 fees".
- 22 5. Page 18, line 44, by striking the words
 23 "ADMISSION REGULATORY FEE" and inserting the
 24 following: "ADMISSION ~~FEE~~ AND REGULATORY FEES".
- 25 6. Page 18, line 50, by inserting after the
 26 figure "2." the following: "a."
- 27 7. Page 19, line 10, by striking the word "b."
 28 and inserting the following: "b."
- 29 8. Page 19, line 14, by inserting after the word
 30 "rate." the following: "In addition to the admission
 31 fee charged under subsection 3. an excursion gambling
 32 boat licensee shall require each person embarking on
 33 an excursion gambling boat to pay an admission fee of
 34 at least five dollars and shall pay to the commission
 35 five dollars for each person so admitted. The revenue
 36 received by the commission pursuant to this paragraph
 37 shall be credited to the gaming admission fee
 38 distribution fund created in section 99F.19."
- 39 9. Page 23, by inserting after line 44 the
 40 following:
 41 "Sec. . NEW SECTION. 99F.19 GAMING ADMISSION
 42 FEE DISTRIBUTION FUND.
- 43 1. FUND CREATED. A gaming admission fee
 44 distribution fund is created in the state treasury
 45 under the control of the commission. The fund
 46 consists of all moneys credited to the fund. Moneys
 47 in the fund shall be distributed by the commission as
 48 provided in this section.
- 49 2. ACCOUNT DISTRIBUTIONS. Of admission revenue
 50 received by the commission and credited to the fund,

Page 2

- 1 for each five dollars per admission received, the
 2 following amounts shall be transferred to the
 3 following accounts within the fund and distributed
 4 from the accounts as provided in this section.
- 5 a. Two dollars to the education account.
 6 b. Seventy-five cents to the community college
 7 account.
 8 c. Seventy-five cents to the state board of
 9 regents account.
 10 d. One dollar and seventy-five cents to the senior
 11 living trust fund account until such time as the
 12 appropriations to the senior living trust fund from
 13 the senior living trust fund account, made in section
 14 8.57, subsection 1A, paragraph "a", if enacted by 2004

15 Iowa Acts, House File 2039, and transferred by section
16 8.55, subsection 2, paragraph “c”, equal one hundred
17 eighteen million dollars.

18 e. The remaining portion of the admission fee not
19 otherwise transferred to an account pursuant to this
20 subsection shall be credited to the rebuild Iowa
21 infrastructure fund as created in section 8.57.

22 3. EDUCATION ACCOUNT.

23 a. Moneys in the education account are
24 appropriated to the department of education to
25 supplement the amount appropriated pursuant to section
26 257.16 from the general fund of the state to pay the
27 foundation aid and to pay the supplementary aid under
28 section 257.4, subsection 2.

29 b. The moneys appropriated pursuant to this
30 subsection shall be in addition to, and shall not
31 replace, funds otherwise appropriated pursuant to
32 section 257.16 for the applicable fiscal year and
33 shall be distributed on a per pupil basis to school
34 districts based upon each district’s budget enrollment
35 and shall be used for any of the following purposes:

36 (1) Technology hardware, software, networking and
37 equipment purchases, upgrades and training associated
38 with technology use, and incorporation of technology
39 into the district’s curriculum.

40 (2) Professional development that meets the
41 definition of quality professional development under
42 the student achievement and teacher quality program.

43 (3) Textbooks, supplies, media and library
44 resources including personnel, and classroom
45 equipment.

46 (4) Assessment systems, curriculum alignment
47 expenses, and any other resources necessary to meet
48 locally established student learning goals or to
49 comply with federal and state mandates of improved
50 student performance.

Page 3

1 (5) Expansion of arts, theater, debate, academic
2 decathlon, music, and foreign language programs and
3 other opportunities for children to participate in
4 curricular and extracurricular opportunities.

5 (6) Preschool, before-school and after-school
6 programs, and summer school programs.

7 (7) Adult and community education programs.

8 (8) Energy efficiency improvements and
9 transportation-equipment fuel-emissions testing.

10 4. COMMUNITY COLLEGE ACCOUNT. Moneys in the
11 community college account are appropriated to the
12 department of education for general state financial
13 aid to merged areas as defined in section 260C.2 in

14 accordance with chapters 258 and 260C and allocated to
 15 each merged area during a fiscal year in the same
 16 proportion as moneys are otherwise appropriated and
 17 allocated to each merged area by the department of
 18 education in that fiscal year.

19 5. STATE BOARD OF REGENTS ACCOUNT. Moneys in the
 20 state board of regents account are appropriated to the
 21 state board of regents for distribution to each
 22 regents institution in the same proportion as moneys
 23 are otherwise appropriated to each institution for the
 24 applicable fiscal year.

25 6. SENIOR LIVING TRUST FUND ACCOUNT. Moneys in
 26 the senior living trust fund account are appropriated
 27 to the senior living trust fund created in section
 28 249H.4.”

29 10. By renumbering as necessary.

MARY LUNDBY

S-5365

1 Amend the amendment, S-5312, to House File 2302, as
 2 amended, passed, and reprinted by the House, as
 3 follows:

4 1. Page 13, by inserting after line 44 the
 5 following:

6 “Sec. . NEW SECTION. 99F.4C LIMITATIONS ON
 7 ISSUANCE OF LICENSES FOR GAMBLING GAMES.

8 Except for the granting of a table games license as
 9 provided in section 99F.4A, subsection 8, the
 10 commission shall determine and may limit the number
 11 and location of licenses to conduct gambling games
 12 issued under this chapter. However, the commission
 13 shall not issue more than five additional licenses to
 14 conduct gambling games under this chapter in addition
 15 to the number of licenses issued as of January 1,
 16 2004.”

17 2. Page 15, line 45, by inserting after the word
 18 “boat.” the following: “If the commission issues any
 19 additional licenses to conduct gambling games under
 20 this chapter in addition to the number of licenses
 21 issued as of January 1, 2004, such license shall only
 22 be issued for a facility if the applicant facility
 23 will be located in a county in which no other facility
 24 licensed to conduct gambling games under this chapter
 25 is located and only if the applicant facility will be
 26 located in a county that is not adjacent to a county
 27 that has a facility for which a license to conduct
 28 gambling games has been granted under this chapter,
 29 unless the board of supervisors of the county in which
 30 any applicable existing licensee’s facility is located
 31 first approves the applicant facility’s license”

32 application.

33 3. By renumbering as necessary.

MATT W. McCOY

S-5366

HOUSE AMENDMENT TO
SENATE FILE 2295

1 Amend Senate File 2295, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 5, by inserting after the words
4 "equal to" the following: "seventy-five percent of".

5 2. Page 1, line 9, by striking the word "Five"
6 and inserting the following: "Seven".

7 3. Page 1, line 10, by striking the words "Six
8 hundred twenty-five" and inserting the following:
9 "Eight hundred".

10 4. Page 1, by inserting after line 10 the
11 following:

12 "____. The taxpayer shall not be entitled to the
13 credit for tax years beginning in the 2005 and 2006
14 calendar years unless the credit is preapproved by the
15 department as provided in subsection 2A."

16 5. Page 1, line 18, by inserting after the word
17 "taxpayer" the following: "or any other student
18 designated by the taxpayer".

19 6. Page 1, by inserting after line 18 the
20 following:

21 "2A. To receive the tax credit for tax years
22 beginning in the 2005 and 2006 calendar years, the
23 taxpayer shall apply for the credit to the department
24 by January 31 following the end of the calendar year
25 in which the contribution was made. If the taxpayer
26 and school tuition organization qualify, the
27 department shall approve the application for credit
28 and so notify the taxpayer by April 1 following
29 receipt of the application. However, the department
30 of revenue shall only grant approval under this
31 section for a total of five million dollars in credits
32 in the fiscal year beginning July 1, 2005, and for a
33 total of ten million dollars in credits in the fiscal
34 year beginning July 1, 2006. If the qualified
35 applications total more than five million dollars or
36 ten million dollars, as applicable, in credits, the
37 department shall reduce the amount of credit approved
38 for each taxpayer on a pro rata basis and shall so
39 notify the taxpayer of the percentage of the credit
40 approved. The department shall prepare application
41 forms which may be made available to charitable
42 organizations that may qualify as school tuition

43 organizations.”

44 7. Page 2, line 29, by inserting after the word
45 “school.” the following: “A school tuition
46 organization shall only award educational scholarships
47 and tuition grants to children who reside in Iowa.”

48 8. Page 2, line 35, by striking the word “three”
49 and inserting the following: “two”.

50 9. Page 3, line 15, by inserting after the word

Page 2

1 “students” the following: “, who reside in the
2 state.”.

3 10. Page 3, line 16, by striking the word
4 “three” and inserting the following: “two”.

5 11. Page 3, line 35, by inserting after the
6 figure “2005” the following: “, but before January 1,
7 2013”.

8 12. By renumbering, relettering, or redesignating
9 and correcting internal references as necessary.

S-5367

1 Amend the House amendment, S-5292, to Senate File
2 2269, as passed by the Senate, as follows:

3 1. Page 2, by inserting after line 17, the
4 following:

5 “___ . Page 13, line 26, by striking the words
6 “commissioner, or” and inserting the following:
7 “commissioner, or, A registered voter may”.

8 ___ . Page 13, line 28, by inserting after the
9 word “ballot.” the following: “A written application
10 for an absentee ballot must be received by the
11 commissioner no later than five p.m. on the Friday
12 before the election.”

13 ___ . Page 14, line 17, by inserting after the
14 word “applicant” the following: “or no later than
15 five p.m. on the Friday before the election, whichever
16 is earlier”.

17 ___ . Page 15, line 4, by inserting after the word
18 “applicant” the following: “or no later than five
19 p.m. on the Friday before the election, whichever is
20 earlier.”

21 2. Page 2, by striking lines 22 and 23, and
22 inserting the following: “the office of the
23 commissioner within seventy-two hours of retrieving
24 the completed ballot or before the closing of the
25 polls on election day, whichever is earlier.”

26 3. Page 3, line 30, by striking the word
27 “register” and inserting the following: “be
28 registered”.

29 4. Page 3, lines 34 and 35, by striking the words

30 “allowed to register” and inserting the following:
31 “registered”.
32 5. Page 3, line 36, by striking the word “The”
33 and inserting the following: “Absentee ballot
34 couriers shall be registered with the commissioner by
35 the person providing the training required in
36 paragraph “c”. The”.
37 6. Page 3, line 40, by striking the word
38 “register” and inserting the following: “be
39 registered”.
40 7. Page 3, line 43, by inserting after the word
41 “commissioner,” the following: “However, if a person
42 has completed training as an absentee ballot courier
43 and the trainer is unable to register the person
44 because the commissioner’s office is closed, the
45 person may retrieve completed absentee ballots if the
46 trainer registers the courier with the commissioner by
47 facsimile transmission within twenty-four hours of
48 completion of training or by personally delivering the
49 registration information to the commissioner’s office
50 by the close of the next business day following

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1 completion of training or by mailing the registration
2 information to the commissioner, in which case the
3 mailing must be postmarked no later than the next
4 business day following completion of training.”
5 8. Page 3, line 45, by inserting after the word
6 “have” the following: “been”.
7 9. Page 3, line 46, by striking the word
8 “register” and inserting the following: “be
9 registered”.
10 10. Page 4, by striking line 2, and inserting the
11 following: “the respective state or county central
12 committees, or a member of the paid staff of such
13 committees, or by the county party or the state party,
14 or a member of the paid staff of such parties. The”.
15 11. Page 4, line 22, by striking the words “by
16 five p.m.” and inserting the following: “before the
17 closing of the polls”.
18 12. Page 4, line 23, by striking the word
19 “sooner” and inserting the following: “earlier”.
20 13. Page 4, by inserting after line 23, the
21 following:
22 “(6) A statement informing the voter that the
23 voter may verify that the person retrieving the
24 completed ballot is a registered absentee ballot
25 courier by contacting the county auditor’s office.”
26 14. Page 4, line 27, by inserting after the word
27 “office.” the following: “A completed ballot and
28 cover sheet shall only be delivered to the

29 commissioner's office by the absentee ballot courier
 30 who retrieved the ballot or by one other absentee
 31 ballot courier designated by the political party,
 32 candidate, or committee for which the absentee ballot
 33 couriers are acting as actual or implied agents. The
 34 cover sheet shall include space for the name and
 35 signature of the absentee ballot courier who retrieved
 36 the ballot and the name and signature of any second
 37 absentee ballot courier designated to deliver the
 38 ballot and cover sheet to the commissioner's office."

39 15. Page 4, by inserting after line 35, the
 40 following:

41 "____. Page 18, line 6, by inserting after the
 42 word "enactment" the following: "and applies to
 43 elections held on or after September 15, 2004"."

44 16. Page 4, by inserting after line 38 the
 45 following:

46 "____. Title page, lines 4 and 5, by striking the
 47 words "an effective date" and inserting the following:
 48 "effective and applicability dates".

49 17. By renumbering as necessary.

MARK ZIEMAN

S-5368

1 Amend the House amendment, S-5366, to Senate File
 2 2295, as amended, passed, and reprinted by the Senate,
 3 as follows:

4 1. Page 1, by striking lines 10 through 15.

5 2. Page 1, by striking lines 19 through 43.

6 3. Page 1, by inserting before line 44 the
 7 following:

8 "____. Page 2, by striking lines 3 through 9 and
 9 inserting the following:

10 "a. "Disabled student" means a child requiring
 11 special education, as defined in section 256B.2,
 12 subsection 1.""

BRYAN J. SIEVERS

S-5369

1 Amend Senate File 2307 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:

4 "Section 1. Section 257.8, subsection 1, Code
 5 Supplement 2003, is amended to read as follows:

6 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
 7 ~~growth for the budget year beginning July 1, 2003, is~~
 8 ~~two percent.~~ The state percent of growth for the
 9 budget year beginning July 1, 2004, is two percent.

10 The state percent of growth for the budget year
 11 beginning July 1, 2005, is six percent. The state
 12 percent of growth for each subsequent budget year
 13 shall be established by statute which shall be enacted
 14 within thirty days of the submission in the year
 15 preceding the base year of the governor's budget under
 16 section 8.21. The establishment of the state percent
 17 of growth for a budget year shall be the only subject
 18 matter of the bill which enacts the state percent of
 19 growth for a budget year.

20 Sec. 2. Notwithstanding the thirty-day deadline
 21 for the enactment of the state percent of growth
 22 provided in section 257.8, subsection 1, such deadline
 23 shall not apply to the Act enacted which establishes
 24 the state percent of growth during the 2004 Regular
 25 Session of the Eightieth General Assembly.

26 Sec. 3. APPLICABILITY. This Act is applicable for
 27 computing state aid under the state school foundation
 28 program for the school budget year beginning July 1,
 29 2005."

HERMAN C. QUIRMBACH

S-5370

1 Amend Senate File 2307 as follows:
 2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 "Section 1. SCHOOL FINANCE FORMULA APPROPRIATION.
 5 Notwithstanding section 8.22A, subsection 3, or any
 6 other provision of law to the contrary, the revenue
 7 estimate agreed to by the revenue estimating
 8 conference at its March 19, 2004, meeting shall be
 9 used in determining the state general fund expenditure
 10 limitation for the fiscal year beginning July 1, 2004.
 11 The amount of the increase in the expenditure
 12 limitation over the limitation based upon the revenue
 13 estimate agreed to by the revenue estimating
 14 conference at its December 8, 2003, meeting shall be
 15 appropriated to the department of education for
 16 distribution pursuant to section 257.16 to pay
 17 foundation aid and supplementary aid under section
 18 257.4, subsection 2. The amount appropriated in this
 19 section shall be distributed on a per pupil basis to
 20 school districts based upon the district's budget
 21 enrollment."
 22 2. Title page, by striking lines 1 through 3 and
 23 inserting the following: "An Act providing for
 24 additional education funding, and making an
 25 appropriation."

MICHAEL E. GRONSTAL
 DARYL BEALL
 DENNIS H. BLACK
 MIKE CONNOLLY
 THOMAS G. COURTNEY
 DICK L. DEARDEN
 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
 GENE FRAISE
 JACK HATCH
 JACK HOLVECK
 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN
 JOE M. SENG
 ROGER STEWART
 STEVE WARNSTADT

S-5371

1 Amend House File 2574, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. By striking page 9, line 21, through page 10,
 4 line 34.
 5 2. Page 11, by striking lines 7 through 16.
 6 3. Page 19, by inserting after line 8, the
 7 following:
 8 "Sec. ____ . STUDY OF CERTAIN PROPERTY ASSESSMENT
 9 ISSUES.
 10 1. The property tax implementation committee
 11 created in 2003 Iowa Acts, First Extraordinary
 12 Session, chapter 1, House File 692, shall study the
 13 method by which property that is rented or leased to
 14 low-income individuals and families, as authorized by
 15 section 42 of the Internal Revenue Code, is assessed
 16 for property tax purposes. The committee shall
 17 consider the feasibility of allowing more than one
 18 method of assessment with such method being chosen by
 19 the taxpayer or property owner.
 20 2. The committee shall conduct a separate study of
 21 current statutory provisions on apportionment of costs
 22 relating to a protest of property assessment to the
 23 local board of review and relating to appeals of
 24 decisions of the board of review to district court.
 25 3. The committee shall report to the general
 26 assembly by December 31, 2004. A separate report
 27 shall be prepared for the study required under
 28 subsection 1 and for the study required under
 29 subsection 2. Each report shall contain

30 recommendations for legislative action.”

31 4. By renumbering as necessary.

PAUL MCKINLEY

S-5372

1 Amend Senate Resolution 147 as follows:
2 1. By striking page 1, line 3 through page 2,
3 line 13, and inserting the following:
4 “A Resolution requesting the congressional delegation
5 of the State of Iowa to work to make the federal tax
6 cuts permanent.
7 WHEREAS, President George W. Bush, Congress, and
8 the Iowa Senate are morally committed to increasing
9 the purchasing power of small businesses and working
10 people in the United States; and
11 WHEREAS, President Bush, Congress, and the Iowa
12 Senate are morally committed to keeping American jobs
13 in America; and
14 WHEREAS, President Bush, Congress, and the Iowa
15 Senate are morally committed to protecting the income
16 of hourly employees in the United States and
17 protecting traditional American family values which
18 can best be served by wages which do not require both
19 parents to work; and
20 WHEREAS, President Bush, Congress, and the Iowa
21 Senate are morally committed to protecting children
22 who suffer from neglect, physical abuse, and sexual
23 abuse; and
24 WHEREAS, President Bush, Congress, and the Iowa
25 Senate are morally committed to leaving no child in
26 this country behind when it comes to providing an
27 excellent education for each American child; and
28 WHEREAS, each year President Bush has proposed and
29 Congress has enacted a tax cut designed to strengthen
30 the American economy and increase employment
31 opportunities for working families; and
32 WHEREAS, tax cuts signed into law reduced income
33 taxes for all taxpayers, eliminated the marriage
34 penalty and death tax, increased the child credit
35 rebate and business expensing, expanded individual
36 retirement accounts, and cut the double taxation of
37 dividends and capital gains; and
38 WHEREAS, economic growth stemming from the latest
39 tax cut accelerated at its fastest rate in 20 years in
40 the third quarter of 2003; and
41 WHEREAS, provisions set forth in the tax cut are
42 set to expire starting in 2005 and will be completely
43 phased out by the year 2012; and
44 WHEREAS, expiration of the existing tax cuts will
45 increase taxes by 50 percent for lower-income

46 families, the child credit will fall by 50 percent,
 47 the marriage penalty will be reinstated, education
 48 savings will be taxed, retirement savings will shrink,
 49 and every taxpayer will face an income tax increase;
 50 and

Page 2

1 WHEREAS, expiration of the existing tax cuts will
 2 result in the largest tax increase in American history
 3 and will stifle economic growth; and
 4 WHEREAS, making all the tax cuts permanent will
 5 allow taxpayers to feel more confident investing in
 6 their child's college education or saving for
 7 retirement, all while ensuring increased economic
 8 growth; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 10 requests Iowa's elected representatives and senators
 11 in the United States Congress to support and vote to
 12 make President Bush's tax cuts permanent after
 13 President Bush signs into law an increase in the
 14 federal minimum wage of \$1, signs into law legislation
 15 which protects the overtime pay of American workers,
 16 signs into law the repeal of every law which provides
 17 incentives for American businesses to move jobs from
 18 the United States to other countries, and signs into
 19 law adequate funding which guarantees protection and
 20 remedial therapy for every child in America who
 21 suffers from neglect or physical or sexual abuse; and
 22 BE IT FURTHER RESOLVED, That copies of this
 23 Resolution be transmitted to the members of Iowa's
 24 congressional delegation."

KEITH A. KREIMAN

S-5373

1 Amend House File 2574, as amended, passed, and
 2 reprinted by the House, as follows:
 3 1. Page 3, lines 28 and 29, by striking the words
 4 "of a nonprofit international" and inserting the
 5 following: "or".
 6 2. Page 3, line 30, by striking the words
 7 "promotion of the".
 8 3. Page 4, line 4, by striking the words "of a
 9 nonprofit international" and inserting the following:
 10 "or".
 11 4. Page 4, line 5, by striking the words
 12 "promotion of the".
 13 5. Page 4, line 25, by inserting after the word
 14 "affiliate" the following: "or organization".
 15 6. Page 5, line 17, by inserting after the word

16 “affiliate” the following: “or organization”.
17 7. Page 5, line 21, by inserting after the word
18 “affiliate” the following: “or organization”.
19 8. Page 5, line 24, by inserting after the word
20 “affiliate” the following: “or organization”.
21 9. Page 5, line 32, by inserting after the word
22 “institution,” the following: “nonprofit Iowa
23 affiliate or organization.”.

BRYAN J. SIEVERS

S-5374

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 7, by striking lines 18 and 19.

STEVE WARNSTADT

S-5375

1 Amend House File 2473, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 2, by inserting after line 15 the
4 following:
5 “Sec. ____ Section 229.10, subsection 1,
6 unnumbered paragraph 1, Code 2003, is amended to read
7 as follows:
8 An examination of the respondent shall be conducted
9 by one or more licensed physicians, as required by the
10 court’s order, within a reasonable time. If the
11 respondent is detained pursuant to section 229.11,
12 subsection 2, the examination shall be conducted
13 within twenty-four hours. If the respondent is
14 detained pursuant to section 229.11, subsection 1 or
15 3, the examination shall be conducted within forty-
16 eight hours. If the respondent so desires, the
17 respondent shall be entitled to a separate examination
18 by a licensed physician of the respondent’s own
19 choice. The reasonable cost of ~~such separate~~ each
20 examination shall, if the respondent lacks sufficient
21 funds to pay the cost, be paid from county funds upon
22 order of the court.”
23 2. By renumbering as necessary.

STEVE WARNSTADT

S-5376

1 Amend House File 2577 as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 8, by inserting after line 32, the

4 following:

5 “Sec. ____ Section 234.39, subsection 6, if
6 enacted by 2004 Iowa Acts, Senate File 2298, is
7 amended by striking the subsection.

8 Sec. ____ Section 272C.3, subsection 1, paragraph
9 k, Code Supplement 2003, is amended to read as
10 follows:

11 k. Establish a licensee review committee for the
12 purpose of evaluating and monitoring licensees who are
13 impaired as a result of alcohol or drug abuse,
14 dependency, or addiction, or by any mental or physical
15 disorder or disability, and who self-report the
16 impairment to the committee, or who are referred by
17 the board to the committee. Members of the committee
18 shall receive actual expenses for the performance of
19 their duties and shall be eligible to receive per diem
20 compensation pursuant to section 7E.6. The board
21 shall adopt rules for the establishment and
22 administration of the committee, including but not
23 limited to establishment of the criteria for
24 eligibility for referral to the committee and the
25 grounds for disciplinary action for noncompliance with
26 committee decisions. Information in the possession of
27 the board or the licensee review committee, under this
28 paragraph, shall be subject to the confidentiality
29 requirements of section 272C.6. Referral of a
30 licensee by the board to a licensee review committee
31 shall not relieve the board of any duties of the board
32 and shall not divest the board of any authority or
33 jurisdiction otherwise provided. A licensee who
34 violates section 272C.10 or the rules of the board
35 while under review by the licensee review committee
36 shall be referred to the board for appropriate
37 action.”

38 2. By renumbering as necessary.

COMMITTEE ON APPROPRIATIONS
JEFF ANGELO, Chair

S-5377

HOUSE AMENDMENT TO SENATE AMENDMENT TO HOUSE FILE 2574

1 Amend the Senate amendment, H-8566, to House File
2 2574, as amended, passed, and reprinted by the House,
3 as follows:

- 4 1. Page 1, by striking lines 24 and 25.
- 5 2. By striking page 1, line 26, through page 2,
6 line 1, and inserting the following:
7 “____. Page 11, by striking lines 9 through 16,

8 and inserting the following:

9 "1. Notwithstanding section 441.40, where the
10 court determines the appellant's property was
11 originally assessed for more than one hundred ten
12 percent of its post-appeal value, the assessor shall
13 pay all reasonable attorney fees and any other
14 reasonably related costs incurred by the appellant.
15 This subsection applies only to appeals relating to
16 assessments on property assessed as residential or
17 agricultural property.

18 2. Notwithstanding section 441.40, where the court
19 determines the appellant's property was originally
20 assessed for more than one hundred twenty percent of
21 its post-appeal value and the court finds that the
22 assessor's position in regard to assessment of the
23 property was not substantially justified, the assessor
24 shall pay all reasonable attorney fees and any other
25 reasonably related costs incurred by the appellant.
26 This subsection applies only to appeals relating to
27 assessments on property assessed as commercial or
28 industrial property."

29 _____. Page 19, by inserting after line 11, the
30 following:

31 "Sec. _____. APPLICABILITY DATE. The section of
32 this Act enacting section 441.40A applies to
33 assessments made in the assessment year beginning
34 January 1, 2005, and in all subsequent assessment
35 years.""

36 3. By renumbering as necessary.

S-5378

HOUSE AMENDMENT TO SENATE FILE 2275

1 Amend Senate File 2275, as amended, passed, and
2 reprinted by the Senate as follows:

3 1. Page 1, by striking lines 1 through 27, and
4 inserting the following:

5 "Section 1. Section 902.12, unnumbered paragraph
6 1, Code Supplement 2003, is amended to read as
7 follows:

8 A person serving a sentence for conviction of the
9 following felonies, including a person serving a
10 sentence for conviction of the following felonies
11 prior to July 1, 2003, shall be denied parole or work
12 release unless the person has served at least seven-
13 tenths of the maximum term of the person's sentence:

14 Sec. _____. Section 906.15, unnumbered paragraph 1,
15 Code 2003, is amended to read as follows:

16 Unless sooner discharged, a person released on
17 parole shall be discharged when the person's term of

18 parole equals the period of imprisonment specified in
 19 the person's sentence, less all time served in
 20 confinement. Discharge from parole may be granted
 21 prior to such time, when an early discharge is
 22 appropriate. The board shall periodically review all
 23 paroles, and when the board determines that any person
 24 on parole is able and willing to fulfill the
 25 obligations of a law-abiding citizen without further
 26 supervision, the board shall discharge the person from
 27 parole. A parole officer shall periodically review
 28 all paroles assigned to the parole officer, and when
 29 the parole officer determines that any person assigned
 30 to the officer is able and willing to fulfill the
 31 obligations of a law-abiding citizen without further
 32 supervision, the officer may discharge the person from
 33 parole after notification and approval of the district
 34 director and notification of the board of parole. In
 35 any event, discharge from parole shall terminate the
 36 person's sentence. However, a person convicted of a
 37 violation of section 709.3, 709.4 or 709.8 committed
 38 on or with a child, or a person serving a sentence
 39 under section 902.12, shall not be discharged from
 40 parole until the person's term of parole equals the
 41 period of imprisonment specified in the person's
 42 sentence, less all time served in confinement.

43 Sec. ____ Section 915.13, subsection 1, paragraph
 44 h, Code Supplement 2003, is amended by striking the
 45 paragraph.

46 Sec. ____ Section 915.14, Code Supplement 2003, is
 47 amended to read as follows:

48 915.14 NOTIFICATION BY CLERK OF THE DISTRICT
 49 COURT.

50 The clerk of the district court shall notify a

Page 2

1 registered victim of all dispositional orders of the
 2 case in which the victim was involved and may advise
 3 the victim of any other orders regarding custody or
 4 confinement. ~~If a motion to reopen the sentence has
 5 been filed pursuant to section 901.5B, the clerk of
 6 the district court shall notify a registered victim of
 7 the case in which the victim was involved. The notice
 8 shall include the scheduled date, time, and place of
 9 the hearing, and the clerk shall notify the victim of
 10 a cancellation or postponement of any hearing
 11 regarding the motion to reopen.~~

12 Sec. ____ Section 901.5B, Code Supplement 2003, is
 13 repealed."

S-5379

- 1 Amend House File 2577, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 18, the
4 following:
5 “ (1A) The Iowa department of public health shall
6 negotiate a sole source contract with a nonprofit
7 corporation that mentors through live music and
8 receives funds through private partnership to
9 implement this paragraph “b”.”
10 2. By renumbering as necessary.

JEFF LAMBERTI
PAT WARD
MATT W. McCOY
JACK HATCH

S-5380

- 1 Amend House File 2577, as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 4, line 18, by striking the figure
4 “75,000” and inserting the following: “300,000”.

JOE BOLKCOM
MATT W. McCOY

S-5381

- 1 Amend House File 2577, as amended, passed, and
2 reprinted by the House, as follows:
3 1. Page 9, by inserting after line 26, the
4 following:
5 “Sec. __. TOBACCO USE PREVENTION AND CONTROL —
6 BUREAU CHIEF. Notwithstanding any provision directing
7 the director of public health to employ a division
8 administrator for the division of tobacco use
9 prevention and control, if enacted by 2004 Iowa Acts,
10 Senate File 2298, the director of public health shall
11 employ a bureau chief for the division of tobacco use
12 prevention and control in a full-time-equivalent
13 position with a salary commensurate with the full-
14 time-equivalent position.”
15 2. By renumbering as necessary.

MAGGIE TINSMAN

S-5382

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2302

- 1 Amend the Senate amendment, H-8568, to House File
 2 2302, as amended, passed, and reprinted by the House,
 3 as follows:
- 4 1. Page 5, line 41, by striking the word
 5 "feasible" and inserting the following: "available".
 - 6 2. Page 10, by striking line 31 and inserting the
 7 following: "previously certified".
 - 8 3. Page 13, by inserting after line 47 the
 9 following:
 10 "Sec. ____. NEW SECTION. 99F.4C GAMBLING GAMES
 11 PROHIBITION AREA.
 12 1. Notwithstanding any provision of this chapter
 13 or chapter 99D to the contrary, the commission shall
 14 not grant a license to conduct gambling games to a
 15 facility to be located in the applicable area as
 16 described in this section.
 17 2. For purposes of this section, the "applicable
 18 area" means that portion of the city of Des Moines in
 19 Polk county bounded by a line commencing at the point
 20 East Euclid avenue intersects East Fourteenth street,
 21 then proceeding south along East Fourteenth street and
 22 Southeast Fourteenth street until it intersects Park
 23 avenue, then proceeding west along Park avenue until
 24 it intersects Fleur drive, then proceeding north along
 25 Fleur drive until it intersects Eighteenth street,
 26 then proceeding north along Eighteenth street until it
 27 intersects Ingersoll avenue, then proceeding west
 28 along Ingersoll avenue until it intersects Martin
 29 Luther King Jr. parkway, then proceeding northerly
 30 along Martin Luther King Jr. parkway until it
 31 intersects Euclid avenue, then proceeding east along
 32 Euclid avenue and East Euclid avenue to the point of
 33 origin. For purposes of this section, such reference
 34 to a street or other boundary means such street or
 35 boundary as they were delineated on the official Pub.
 36 L. No. 94-171 census maps used for redistricting
 37 following the 2000 United States decennial census."
 - 38 4. Page 15, line 15, by striking the words "each
 39 agreement" and inserting the following: "agreements
 40 subject to commission approval".
 - 41 5. Page 15, line 18, by striking the word
 42 "agreement" and inserting the following:
 43 "agreements".
 - 44 6. Page 15, lines 22 and 23, by striking the
 45 words ", subject to commission approval." and

46 inserting the following: “ Agreements that are
47 subject to commission approval concerning horse purses
48 for a particular period of time beginning on or after
49 January 1, 2006, and ending before January 1, 2021,
50 shall be jointly submitted to the commission for

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- 1 approval”
- 2 7. Page 17, line 17, by striking the word
- 3 “authorized” and inserting the following:
- 4 “operational”.
- 5 8. Page 17, line 50, by striking the word
- 6 “feasible” and inserting the following: “available”.
- 7 9. By renumbering, relettering, or redesignating
- 8 and correcting internal references as necessary.

S-5383

HOUSE AMENDMENT TO
SENATE FILE 2298

1 Amend Senate File 2298, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, line 12, by striking the figure
4 “4,564,351” and inserting the following: “4,616,351”.

5 2. Page 2, line 27, by striking the words “For
6 start-up”, and inserting the following:
7 “a. If 2004 Iowa Acts, House File 2482 is not
8 enacted, then for start-up”.

9 3. Page 2, line 31, by striking the word
10 “Notwithstanding”, and inserting the following: “For
11 purposes of this lettered paragraph and
12 notwithstanding”.

13 4. Page 2, by inserting after line 35 the
14 following:
15 “b. If 2004 Iowa Acts, House File 2482 is enacted,
16 then for start-up funding for revolving funds under
17 the control of the department of administrative
18 services and for salaries, support, maintenance, and
19 miscellaneous purposes:
20 \$ 1,889,610
21 For purposes of this lettered paragraph and
22 notwithstanding any provision of this section to the
23 contrary, the department of administrative services
24 shall deposit \$1,889,610 in the general fund of the
25 state from moneys in departmental revolving funds and
26 internal service funds at the end of the fiscal year.”

27 5. Page 4, line 13, by striking the figure
28 “1,144,755” and inserting the following: “1,092,755”.

29 6. Page 6, by inserting after line 10 the
30 following:

31 “c. The insurance division shall allocate \$10,000
32 from the examination receipts for the payment of its
33 fees to the national council of insurance
34 legislators.”

35 7. Page 7, by inserting after line 11, the
36 following:

37 “Sec. ___. ALCOHOLIC BEVERAGES DIVISION — STATE
38 LIQUOR WAREHOUSE FUNCTIONS. Notwithstanding sections
39 7J.1 and 123.20, subsection 4, and any other
40 applicable provision of law, the alcoholic beverages
41 division of the department of commerce shall not add
42 full-time equivalent positions for purposes of the
43 state assuming the state liquor warehouse functions
44 performed by a private contractor as of April 1, 2004.
45 The division shall issue a request for proposals or
46 otherwise utilize a competitive process to select a
47 successor private contractor to perform the state
48 liquor warehouse functions.”

49 8. Page 7, by inserting after line 11 the
50 following:

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1 “Sec. ___. IOWA HEALTH INSURANCE VALUE INITIATIVE.
2 If 2004 Iowa Acts, House File 2521, is enacted, there
3 is appropriated from the general fund of the state to
4 the department of commerce for the fiscal year
5 beginning July 1, 2004, and ending June 30, 2005, the
6 following amount, or so much thereof as is necessary,
7 to be used for the purpose designated:

8 For the insurance division to conduct a study
9 regarding the costs of health insurance premiums for
10 businesses and individual customers in this state, in
11 accordance with 2004 Iowa Acts, House File 2521:
12 \$ 150,000”

13 9. Page 12, line 13, by striking the figure
14 “1,752,780” and inserting the following: “1,952,780”.

15 10. Page 18, by inserting after line 6 the
16 following:

17 “___ . PROPERTY TAX IMPLEMENTATION COMMITTEE
18 To administer the property tax implementation
19 committee and to purchase data deemed necessary by the
20 committee:
21 \$ 50,000”

22 11. Page 19, by inserting after line 22 the
23 following:

24 “Sec. ___. Section 10A.104, subsection 2, Code
25 Supplement 2003, is amended to read as follows:

26 2. Appoint the administrators of the divisions
27 within the department and all other personnel deemed
28 necessary for the administration of this chapter,
29 except the state public defender, assistant state

30 public defenders, administrator of the racing and
 31 gaming commission, and members of the employment
 32 appeal board, ~~and administrator of the child advocacy~~
 33 ~~board created in section 237.16~~. All persons
 34 appointed and employed in the department are covered
 35 by the provisions of chapter 8A, subchapter IV, but
 36 persons not appointed by the director are exempt from
 37 the merit system provisions of chapter 8A, subchapter
 38 IV.

39 Sec. ____ Section 237.18, subsection 5, Code
 40 Supplement 2003, is amended to read as follows:

41 5. Employ appropriate staff, except for the state
 42 board administrator, in accordance with available
 43 funding. The board shall coordinate with the
 44 department of inspections and appeals regarding
 45 administrative functions of the board.”

46 12. Page 20, by inserting after line 34 the
 47 following:

48 “Sec. ____ EFFECTIVE DATE. The section of this
 49 division of this Act relating to the state liquor
 50 warehouse functions, being deemed of immediate

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1 importance, takes effect upon enactment.”

2 13. Page 28, line 15, by striking the figure
 3 “5,784,500”, and inserting the following:
 4 “6,084,500”.

5 14. Page 29, by striking line 4 and inserting the
 6 following:

7 “..... \$ 5,505,725”

8 15. Page 29, line 10, by inserting after the word
 9 “infrastructure” the following: “and through the use
 10 of community cluster rural development”.

11 16. Page 34, by striking lines 33 and 34 and
 12 inserting the following:

13 “..... \$ 4,889,124
 14 FTEs 94.20”

15 17. Page 35, line 9, by inserting after the word
 16 “circumstances.” the following: “Of the moneys
 17 generated by the filing fee allowed under this
 18 subsection, the first \$225,000 is appropriated to the
 19 department of workforce development to be used for
 20 purposes of administering the division of workers’
 21 compensation.”

22 18. Page 35, by striking lines 15 through 20.

23 19. Page 37, by inserting after line 4 the
 24 following:

25 “Sec. ____ Section 28E.35, Code 2003, is amended
 26 to read as follows:

27 28E.35 DEFINITIONS.

28 As used in this division unless the context

29 otherwise requires:

30 1. "Community cluster" means a cooperative
31 community unit established pursuant to this chapter
32 for the joint exercise of powers by two or more
33 governmental units and for sharing one or more
34 governmental functions between two or more
35 governmental units participating in a community
36 cluster.

37 2. "Governing board" means the governing board of
38 a community cluster appointed pursuant to section
39 28E.37.

40 ~~2. 3.~~ "Governmental unit" means a city, county,
41 township, school district, merged area as defined in
42 section 260C.2, or special taxing district.

43 4. "Shared governmental function" includes, but is
44 not limited to, joint delivery of services, joint
45 operation of facilities, joint development of
46 infrastructure, or joint fostering of economic
47 development.

48 Sec. ____ Section 28E.36, Code 2003, is amended to
49 read as follows:

50 28E.36 ESTABLISHMENT OF COMMUNITY CLUSTER.

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1 Two or more governmental units located in the state
2 may, by resolution of each governmental unit,
3 establish a community cluster ~~by entering into an~~
4 ~~agreement~~ for the joint exercise of powers pursuant to
5 this chapter to make more efficient use of their
6 resources by providing for ~~joint functions, services,~~
7 ~~facilities, development of infrastructure and for~~
8 ~~revenue sharing, and to foster economic development~~
9 shared governmental functions between two or more of
10 the governmental units participating in the community
11 cluster.

12 A community cluster and its governing board shall
13 have all the rights, powers, duties, privileges, and
14 immunities of a governmental unit and governmental
15 unit governing body to the extent that such rights,
16 powers, duties, privileges, and immunities relate to
17 shared governmental functions of the governmental
18 units participating in the community cluster. A
19 community cluster and its governing board shall not
20 levy a tax unless specifically authorized by the
21 governing body of each participating governmental
22 unit.

23 Sec. ____ Section 28E.37, Code 2003, is amended by
24 striking the section and inserting in lieu thereof the
25 following:

26 28E.37 COMMUNITY CLUSTER GOVERNING BOARD.

27 The governing body of each governmental unit

28 participating in a community cluster shall appoint two
29 of its members to a community cluster governing board.
30 However, an alternative board composition may be
31 agreed upon by the participating governmental units.
32 A member of the governing board shall serve for two
33 years or until the member's term on the governing body
34 of the governmental unit expires, whichever is
35 earlier. A vacancy on the governing board shall be
36 filled in the same manner as the original appointment.
37 A member of the governing board shall not receive
38 compensation for service on the governing board.

39 Sec. ____ Section 28E.38, Code 2003, is amended by
40 striking the section and inserting in lieu thereof the
41 following:

42 28E.38 POWERS AND DUTIES OF GOVERNING BOARD —
43 EXISTING BONDED INDEBTEDNESS — TAXING AUTHORITY.

44 1. The governing board shall identify governmental
45 functions, services, facilities, development of
46 infrastructure, or economic development efforts that
47 will be shared or jointly provided or operated within
48 the community cluster.

49 2. The governing board shall establish an official
50 name for the community cluster.

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1 3. The governing board may provide for the
2 transfer or other disposition of property and other
3 rights, claims, assets, and franchises as they relate
4 to a shared governmental function within the community
5 cluster. A governmental unit participating in a
6 community cluster may make donations of property, real
7 or personal, including gratuitous leases, to the
8 community cluster and the governing board as deemed
9 proper and appropriate in aiding the community cluster
10 and the governing board effectuate their purposes.

11 4. The governing board may provide for the
12 transfer, reorganization, abolition, adjustment, and
13 absorption or merger of existing boards, existing
14 subordinate service districts, local improvement
15 districts, and agencies of the participating
16 governmental units to the extent they relate to a
17 shared governmental function within the community
18 cluster. The authority provided in this subsection
19 does not include the authority to merge or consolidate
20 local governments as an alternative form of county
21 government or an alternative form of city government.

22 5. The governing board may determine the
23 boundaries of the service areas within the community
24 cluster and shall provide for administration of the
25 provision of services in each of the designated
26 service areas.

27 6. The governing board may employ and fix the
28 compensation of administrative, technical,
29 professional, and clerical assistance as necessary to
30 administer a shared governmental function.

31 7. a. The governing board may adopt budgets for
32 shared governmental functions within the community
33 cluster and may levy property taxes to the extent the
34 taxing authority of a participating governmental unit
35 is transferred to the community cluster by the
36 governing body of that participating governmental unit
37 to fund a shared governmental function. The governing
38 board in its budget shall allocate the revenue
39 responsibilities of each governmental unit
40 participating in the community cluster, subject to the
41 approval of the governing body of each participating
42 governmental unit. The governing board shall follow
43 the same procedures for adoption of a budget as if the
44 community cluster were a city and the governing board
45 a city council.

46 b. The governing board shall devise formulas for
47 the transfer of taxing authority from governmental
48 units that are participating in the community cluster
49 to the governing board of the community cluster to
50 fund a shared governmental function, subject to the

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1 approval of the governing body of each participating
2 governmental unit. The maximum rates of taxes
3 authorized to be levied by a governmental unit
4 participating in a community cluster shall be reduced
5 by an amount equal to that portion of the levy rates
6 transferred to the authority of the governing board.

7 c. In lieu of transferring property taxing
8 authority to a governing board, a governmental unit
9 participating in a community cluster may meet its
10 shared revenue obligations by transferring other
11 sources of revenue authorized to be collected by the
12 governmental unit.

13 8. The governing board may accept donations,
14 contributions, grants, or gifts from individuals,
15 associations, municipal and private corporations, and
16 the United States, or any agency or instrumentality of
17 the United States, and may enter into agreements in
18 connection therewith.

19 9. The governing board may issue bonded
20 indebtedness to the extent authorized in section
21 28E.39.

22 10. By December 1 of each year, the governing
23 board shall provide a report relating to shared
24 governmental functions and administration of the
25 community cluster to the governing body of each

26 governmental unit participating in the community
27 cluster.

28 Sec. ____ Section 28E.39, Code 2003, is amended by
29 striking the section and inserting in lieu thereof the
30 following:

31 28E.39 ISSUANCE OF BONDS — APPROVAL BY
32 ELECTORATE.

33 1. The governing board may propose the expenditure
34 of funds, the issuance of revenue bonds, entering into
35 a lease-purchase agreement, or the issuance of general
36 obligation bonds for the following:

37 a. Acquisition of a construction site and
38 construction of a building or facility for common
39 public use by two or more governmental units
40 participating in the community cluster.

41 b. Purchase of an existing building or facility
42 for public use, or conversion of a building or
43 facility previously owned and maintained by a
44 governmental unit for public use by two or more
45 governmental units participating in the community
46 cluster.

47 c. Equipping or furnishing a new or existing
48 building or facility for public use by two or more
49 governmental units participating in the community
50 cluster.

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1 d. Operation, maintenance, or improvement of a
2 building or facility for public use by two or more
3 governmental units participating in the community
4 cluster.

5 e. Any other aspect of construction, acquisition,
6 furnishing, operation, or maintenance of a building or
7 facility for public use by two or more governmental
8 units participating in the community cluster, such
9 other aspect having been proposed by the governing
10 board and not otherwise prohibited by law.

11 2. The proposal shall be forwarded to the
12 governing body of each governmental unit participating
13 in the community cluster that is listed in the
14 proposal as being allocated a portion of the cost for
15 any of the purposes in subsection 1, paragraphs “a”
16 through “e”. The proposal shall specify the purposes
17 for which the building or facility shall be used, the
18 estimated cost of the building or facility, the
19 estimated amount of the cost to be allocated to each
20 of the participating governmental units, the
21 proportion and method of allocating the expenses of
22 the operation and maintenance of the building or
23 facility or improvement, and the disposition to be
24 made of any revenues to be derived from operation of

25 the building or facility.
26 3. If a proposal for expenditure of funds, for
27 issuance of revenue bonds, or for issuance of general
28 obligation bonds described in the proposal as
29 essential county purpose bonds or essential corporate
30 purpose bonds is approved by the governing body of
31 each governmental unit named in the proposal, the
32 governing board may include such expenditures in its
33 budget for the following fiscal year. If a proposal
34 for issuance of general obligation bonds described in
35 the proposal as general county purpose bonds or
36 general corporate purpose bonds or for entering into a
37 lease-purchase agreement is approved by the governing
38 body of each governmental unit named in the proposal,
39 the governing board shall direct the county
40 commissioner of elections to submit the proposition at
41 a special election. The special election may be held
42 on the same day as the general election if the county
43 commissioner determines that the elections will not
44 conflict. Only those registered voters living within
45 the governmental units named in the proposal may vote
46 on the proposition. The proposition shall be adopted
47 if the vote in favor of the proposition is equal to at
48 least sixty percent of the vote cast for and against
49 the proposition in each governmental unit named in the
50 proposal.

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1 4. The governing board when issuing indebtedness
2 pursuant to this section shall follow the procedures
3 for issuance of debt as if the governing board were a
4 city council or a county board of supervisors and the
5 applicable bonding provisions of chapters 74, 75, 331,
6 and 384 shall apply.
7 5. Indebtedness issued pursuant to this section
8 shall constitute a debt of the governmental units
9 named in the proposal in the same proportion that the
10 cost of the project is allocated to the governmental
11 units and such indebtedness is subject to any
12 statutory or constitutional limitation on issuance of
13 debt if the debt would be subject to such limitation
14 if it were issued by a governmental unit acting alone.
15 Sec. ____ Section 28E.40, Code 2003, is amended by
16 striking the section and inserting in lieu thereof the
17 following:
18 28E.40 JOINING COMMUNITY CLUSTER OR TERMINATING
19 PARTICIPATION.
20 1. A governmental unit, by resolution, may request
21 to join an existing community cluster. The governing
22 body of the governmental unit shall forward the
23 resolution to the governing bodies of each

24 governmental unit participating in the community
25 cluster. If each of the governing bodies approves the
26 resolution, the governmental unit is included in the
27 community cluster and shall appoint two of the members
28 of its governing body to the governing board of the
29 community cluster.

30 2. A governmental unit, by resolution, may
31 terminate its participation in a community cluster.
32 Immediately upon its adoption by the governing body of
33 the governmental unit seeking termination of its
34 participation in the community cluster, the resolution
35 shall be forwarded to the governing board. The
36 governing board is not empowered to deny termination
37 but it may set a timetable, not to exceed eighteen
38 months after adoption of the resolution, for
39 termination to be fully effective.

40 Sec. ____ Section 331.461, subsection 2, Code
41 2003, is amended by adding the following new
42 paragraph:

43 NEW PARAGRAPH. h. Port facilities or port
44 facilities systems, including without limitation, real
45 and personal property, water, buildings, improvements,
46 and equipment useful and suitable for taking care of
47 the needs of commerce and shipping, and also including
48 without limitation, wharves, docks, basins, piers,
49 quay walls, warehouses, tunnels, belt railway
50 facilities, cranes, dock apparatus, and other

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1 machinery necessary for the convenient and economical
2 accommodation and handling of watercraft of all kinds
3 and of freight and passengers.

4 Sec. ____ Section 96.7, subsection 2, paragraph d,
5 subparagraph (1), Code Supplement 2003, is amended to
6 read as follows:

7 (1) The current reserve fund ratio is computed by
8 dividing the total funds available for payment of
9 benefits, on the computation date, by the total wages
10 paid in covered employment excluding reimbursable
11 employment wages during the first four calendar
12 quarters of the five calendar quarters immediately
13 preceding the computation date. However, in computing
14 the current reserve fund ratio the following amounts
15 shall be added to the total funds available for
16 payment of benefits on the following computation
17 dates:

18 (a) Twenty million dollars on July 1, 2004.

19 (b) Seventy million dollars on July 1, 2005.

20 (c) One hundred twenty million dollars on July 1,
21 2006.

22 (d) One hundred fifty million dollars on July 1,

23 2007, and on each subsequent computation date.
 24 Sec. ____ Section 96.19, subsection 18, paragraph
 25 a, subparagraph (7), subparagraph subdivision (a),
 26 Code 2003, is amended to read as follows:
 27 (a) A person in agricultural labor when such labor
 28 is performed for an employing unit which during any
 29 calendar quarter in the calendar year or the preceding
 30 calendar year paid remuneration in cash of twenty
 31 thousand dollars or more to individuals employed in
 32 agricultural labor excluding labor performed before
 33 January 1, 1980, by an alien referred to in this
 34 subparagraph; or on each of some twenty days during
 35 the calendar year or the preceding calendar year, each
 36 day being in a different calendar week, employed in
 37 agricultural labor for some portion of the day ten or
 38 more individuals, excluding labor performed before
 39 January 1, 1980, by an alien referred to in this
 40 subparagraph; and such labor is not agricultural labor
 41 performed before January 1, 1980, by an individual who
 42 is an alien admitted to the United States to perform
 43 agricultural labor pursuant to sections 214(c) and
 44 101(a)(15)(H) of the Immigration and Nationality Act,
 45 8 U.S.C. § 1184(c), 1101(a)(15)(H) (1976). For
 46 purposes of this subparagraph subdivision, “employed”
 47 shall not include services performed by agricultural
 48 workers who are aliens admitted to the United States
 49 to perform labor pursuant to section
 50 101(a)(15)(H)(ii)(a) of the Immigration and

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1 Nationality Act and who are not covered under the
 2 Federal Unemployment Tax Act.”
 3 21. Page 48, by striking line 32 and inserting
 4 the following:
 5 “ \$ 45,283,84
 6 ____. JOBS FOR AMERICA’S GRADUATES
 7 For school districts to provide direct services to
 8 the most at-risk senior high school students enrolled
 9 in school districts through direct intervention by a
 10 jobs for America’s graduates specialist:
 11 \$ 400,000
 12 ____. CLOSING THE ACHIEVEMENT GAP GRANTS
 13 For competitive grants to be awarded in no more
 14 than four school districts:
 15 \$ 500,000
 16 a. The department shall establish a competitive
 17 grant program that supports school district efforts to
 18 address the achievement gap. Priority shall be given
 19 to school districts using research-based strategies
 20 that have the highest probability of improving student
 21 achievement. A grant in the amount of \$125,000 shall

22 be awarded no later than October 1, 2004, to a school
23 district in each of the following size school
24 districts:

25 (1) A school district with an enrollment of 1199
26 or less.

27 (2) A school district with an enrollment of more
28 than 1199, but not more than 4749.

29 (3) A school district with an enrollment of more
30 than 4749.

31 (4) A school district with any enrollment.

32 b. Grant moneys may be used by recipient school
33 districts for purposes including, but not limited to,
34 assigning highly skilled teachers to high-need
35 students and highly skilled administrators to high-
36 need buildings, maintaining a commitment to cultural
37 competency training, sustaining high expectations for
38 all children, and creating partnerships between
39 schools, communities, and businesses.”

40 22. Page 49, by inserting after line 18 the
41 following:

42 “Sec. ___. WHOLE-GRADE SHARING AGREEMENT DEADLINE
43 WAIVER. Notwithstanding sections 282.10 and 282.11,
44 the department of education may, at the department’s
45 discretion, waive any of the deadline requirements of
46 sections 282.10 and 282.11, relating to the signing of
47 a whole-grade sharing agreement by the boards of two
48 or more school districts involved in the agreement and
49 the public notice and hearing requirements, if one of
50 the districts involved in the agreement has an

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1 enrollment of less than three hundred. This section
2 is repealed July 1, 2004.”

3 23. Page 49, by inserting after line 18 the
4 following:

5 “Sec. ___. STATEWIDE TEACHER INTERN PROGRAM
6 FEASIBILITY STUDY — FEDERAL GRANT APPLICATION
7 COORDINATION.

8 1. The department of education shall work
9 cooperatively with the state board of regents and
10 other accredited postsecondary institutions with
11 approved practitioner preparation programs to assess
12 the feasibility of the offering of a teacher intern
13 program that will be available statewide and which
14 will meet the standards as provided in 281 IAC 77.
15 The department shall, at minimum, collaborate with the
16 state board of regents and the colleges of education
17 at board’s institutions of higher learning, and with
18 other accredited postsecondary institutions with
19 approved practitioner preparation programs. The study
20 shall include the projected enrollment, cost, delivery

21 of the program via technology, and possible time lines
 22 for implementation of a statewide teacher intern
 23 program. The study shall, at minimum, consider the
 24 establishment of a program operated through a regents
 25 institution under a cooperative arrangement with other
 26 postsecondary institutions, including institutions
 27 that do not have approved practitioner preparation
 28 programs, or with one or more area education agencies.
 29 The department shall submit a report summarizing the
 30 results of the study and making recommendations to the
 31 chairpersons and ranking members of the house and
 32 senate committees on education and the chairpersons
 33 and rankings members of the joint appropriations
 34 subcommittee on education by January 15, 2005.
 35 2. The department shall work cooperatively with
 36 the state board of regents and other appropriate
 37 eligible grantees to obtain any available federal
 38 funding, including grants that may be available for
 39 the establishment and operation of a teacher intern
 40 program.”

41 24. Page 50, lines 21 and 22, by striking the
 42 figures “2001–2002” and inserting the following:
 43 “2003–2004”.

44 25. Page 55, line 7, by striking the words
 45 “physically deformed, mentally deficient,” and
 46 inserting the following: “mentally deficient”.

47 26. Page 59, by striking line 29 and inserting
 48 the following:

49 “..... \$ 8,468,249”

50 27. Page 59, by striking line 35 and inserting

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1 the following:

2 “..... \$ 4,737,75”

3 28. Page 64, line 32, by inserting after the word
 4 “grants.” the following: “From the funds appropriated
 5 in this subsection, not more than three million four
 6 hundred thousand dollars may be distributed to private
 7 institutions whose income is not exempt from taxation
 8 under section 501(c) of the Internal Revenue Code and
 9 whose students were eligible to receive Iowa tuition
 10 grant moneys in the fiscal year beginning July 1,
 11 2003.”

12 29. Page 65, line 22, by inserting after the word
 13 “contracts” the following: “if applicable.”.

14 30. Page 65, by inserting after line 30 the
 15 following:

16 “Sec. ____ Section 284.10, subsection 6, Code
 17 Supplement 2003, is amended to read as follows:

18 6. By July 1, ~~2005~~ 2006, the director shall
 19 develop and implement an evaluator training

20 certification renewal program for administrators and
21 other practitioners who need to renew a certificate
22 issued pursuant to this section.

23 Sec. ____ Section 284.13, subsection 1, paragraph
24 a, Code Supplement 2003, is amended by striking the
25 paragraph.”

26 31. Page 65, line 31, by inserting after the word
27 “b,” the following: “c,”.

28 32. Page 65, line 35, by striking the words “one
29 million seven” and inserting the following: “~~seven~~
30 one million one”.

31 33. Page 66, by inserting after line 2 the
32 following:

33 “c. For the fiscal year beginning July 1, ~~2003~~
34 2004, and succeeding fiscal years, an amount up to
35 ~~four~~ three million ~~two~~ five hundred thousand dollars
36 for first-year and second-year beginning teachers, to
37 the department of education for distribution to school
38 districts for purposes of the beginning teacher
39 mentoring and induction programs. A school district
40 shall receive one thousand three hundred dollars per
41 beginning teacher participating in the program. If
42 the funds appropriated for the program are
43 insufficient to pay mentors and school districts as
44 provided in this paragraph, the department shall
45 prorate the amount distributed to school districts
46 based upon the amount appropriated. Moneys received
47 by a school district pursuant to this paragraph shall
48 be expended to provide each mentor with an award of
49 five hundred dollars per semester, at a minimum, for
50 participation in the school district’s beginning

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1 teacher mentoring and induction program; to implement
2 the plan; and to pay any applicable costs of the
3 employer’s share of contributions to federal social
4 security and the Iowa public employees’ retirement
5 system or a pension and annuity retirement system
6 established under chapter 294, for such amounts paid
7 by the district.”

8 34. Page 66, by striking lines 15 through 17, and
9 inserting the following: “~~districts for training~~
10 ~~costs~~. A portion of the funds allocated to the
11 department for purposes of this paragraph may be used
12 by the department for administrative purposes.”

13 35. Page 66, line 21, by striking the words “one
14 hundred fifty” and inserting the following: “three
15 hundred”.

16 36. Page 66, line 27, by striking the word “four”
17 and inserting the following: “two”.

18 37. Page 66, line 28, by inserting after the word

19 ~~“five”~~ the following: “fifty”.

20 38. Page 67, by inserting after line 8 the
21 following:

22 “Sec. ____ Section 284.13, subsection 1, Code
23 Supplement 2003, is amended by adding the following
24 new paragraph:

25 NEW PARAGRAPH. i. For the fiscal year beginning
26 July 1, 2004, and ending June 30, 2005, moneys made
27 available for the purposes of implementing paragraphs
28 “d” and “e” may be allocated in the amounts, as
29 determined by the department, needed to implement the
30 purposes of paragraphs “d” and “e”.

31 Sec. ____ Section 294A.22, Code Supplement 2003,
32 is amended by adding the following new unnumbered
33 paragraph:

34 NEW UNNUMBERED PARAGRAPH. If funds appropriated
35 are insufficient to pay phase II allocations in full,
36 the department of administrative services shall
37 prorate payments to school districts and area
38 education agencies.

39 Sec. ____ Section 284.11, Code Supplement 2003, is
40 repealed.”

41 39. Page 67, by striking line 9 and inserting the
42 following:

43 “Sec. ____ EFFECTIVE DATES.

44 1. The provisions of this division”.

45 40. Page 67, by inserting after line 14 the
46 following:

47 “2. The section of this division of this Act,
48 relating to a waiver for whole-grade sharing agreement
49 deadlines, being deemed of immediate importance, takes
50 effect upon enactment and applies from the date of

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1 enactment to June 30, 2004.”

2 41. Page 71, line 34, by striking the figure
3 “152.05” and inserting the following: “158.05”.

4 42. Page 72, by striking lines 4 and 5 and
5 inserting the following: “committee expense. Before
6 the department expends or”.

7 43. Page 74, by inserting after line 15 the
8 following:

9 “i. For the fiscal year beginning July 1, 2004,
10 and ending June 30, 2005, the board of pharmacy
11 examiners may retain and expend 90 percent of the
12 revenues generated from any increase after July 1,
13 2004, in licensing fees pursuant to sections 124.301
14 and 147.80, and chapter 155A, for purposes related to
15 the state board’s duties, including but not limited to
16 the addition of full-time equivalent positions. Fees
17 retained by the board pursuant to this lettered

18 paragraph are appropriated to the board of pharmacy
19 examiners for the purposes described in this lettered
20 paragraph.”

21 44. Page 75, line 15, by striking the words
22 “pursuant to section 99G.39”.

23 45. Page 76, line 8, by striking the words
24 “provided otherwise in”.

25 46. Page 76, line 9, by inserting after the
26 figure “2004” the following: “otherwise provides for
27 the deposit of tax revenue received by the state
28 racing and gaming commission pursuant to section
29 99D.15 in the gambling treatment fund”.

30 47. Page 77, by inserting after line 20, the
31 following:

32 “Sec. ___. TOBACCO USE PREVENTION AND CONTROL —
33 ADMINISTRATOR. The director of the Iowa department of
34 public health shall employ a division administrator
35 for the division of tobacco use prevention and control
36 as a full-time equivalent position with a salary
37 commensurate with the full-time position.

38 Sec. ___. LEGISLATIVE INTENT — THE STATE OF IOWA,
39 A HEALTHY COMMUNITY.

40 1. It is the intent of the general assembly that
41 state agencies, local communities, and individuals
42 begin exploring strategies and partnerships to create
43 a statewide community network that supports health
44 promotion, prevention, and chronic disease management.

45 2. It is the expectation of the general assembly
46 that such strategies and partnerships will energize
47 local communities to transform their cultures into
48 those which promote healthy lifestyles and which,
49 collectively, transform the state of Iowa into one
50 healthy community.”

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1 48. Page 90, by inserting after line 35, the
2 following:

3 “Sec. ___. FOOD STAMP HEALTHY CHOICES. The
4 department of human services, in cooperation with the
5 Iowa department of public health, shall identify means
6 by which the food stamp program may be utilized to
7 promote good nutrition and healthy choices among
8 recipients of food stamps. The departments shall
9 submit a report of their findings to the general
10 assembly by December 15, 2004.”

11 49. Page 93, line 18, by striking the words
12 “physically deformed, mentally deficient,” and
13 inserting the following: “mentally deficient”.

14 50. Page 96, line 26, by striking the word “The”
15 and inserting the following: “a. The”.

16 51. Page 96, by inserting after line 35, the

17 following:

18 “b. Of the funds appropriated in this section,
 19 \$100,000 shall be used for participation in one or
 20 more pilot projects operated by a private provider to
 21 allow the individual or individuals to receive service
 22 in the community in accordance with principles
 23 established in the *Olmstead v. L.C.* 527 U.S. 581
 24 (1999) for the purpose of providing medical assistance
 25 or other assistance to individuals with special needs
 26 who become ineligible to continue receiving services
 27 under the early and periodic screening, diagnosis, and
 28 treatment program under the medical assistance program
 29 due to becoming twenty-one years of age, who have been
 30 approved for additional assistance through the
 31 department’s exception to policy provisions, but who
 32 have health care needs in excess of the funding
 33 available through the exception to the policy
 34 provisions.”

35 52. Page 100, by inserting after line 10, the
 36 following:

37 “___ Determine or enter a contract to identify
 38 the incidence of chronic disease within the Iowa
 39 medical assistance program population in order to most
 40 effectively utilize disease management programs under
 41 the medical assistance program. The department may
 42 procure a sole source contract to implement this
 43 subsection.”

44 53. Page 121, by striking lines 11 and 12 and
 45 inserting the following: “support, maintenance, and
 46 miscellaneous purposes.”

47 54. Page 121, by striking line 14.

48 55. Page 127, line 20, by inserting after the
 49 word “rate.” the following: “Notwithstanding section
 50 232.141, subsection 8, for the fiscal year beginning

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1 July 1, 2004, the amount of the statewide average of
 2 the actual and allowable rates for reimbursement of
 3 juvenile shelter care homes that is utilized for the
 4 limitation on recovery of unpaid costs shall remain at
 5 the same amount in effect for this purpose in the
 6 preceding fiscal year.”

7 56. Page 128, by inserting after line 4, the
 8 following:

9 “Sec. ___. ADOPTION SUBSIDY PROGRAM.

10 1. a. It is the intent of the general assembly
 11 that the department of human services maximize receipt
 12 of the federal funding available for the adoption
 13 subsidy program. The department may renegotiate
 14 existing adoption agreements solely for the purpose of
 15 maximizing federal funding. However, any revision of

16 the existing adoption monthly maintenance payment
17 agreement shall not result in the reduction of
18 benefits to these adoptive families.

19 b. The limitation on attorney fees under the
20 program shall be \$500 per recipient.

21 c. The department of human services shall attempt
22 to develop a method to obtain federal matching funds
23 for adoption subsidy program recipients' out-of-pocket
24 payments to attorneys for the portion of attorney fees
25 that exceed the limitation on attorney fees under the
26 program.

27 d. The department of human services shall attempt
28 to obtain federal matching funds for adoption subsidy
29 program recipients' out-of-pocket payments for child
30 care fees that exceed the applicable reimbursement
31 rate established under the child care assistance
32 program.

33 e. If cost-effective and in compliance with
34 federal law and regulation, the department of human
35 services may implement a sliding benefit scale based
36 upon income, for all or a portion of the adoption
37 presubsidy or preadoptive subsidy agreements entered
38 into on or after July 1, 2004.

39 2. It is the intent of the general assembly that
40 beginning July 1, 2004, adoption subsidy agreements
41 entered into on or after that date shall be
42 administered uniformly throughout the state.

43 3. a. Beginning July 1, 2004, the child care
44 subsidy payments for individuals who enter into
45 presubsidy or preadoptive subsidy agreements shall be
46 governed by the provisions of the department of human
47 services' child care assistance programs.

48 b. (1) Individuals who entered into presubsidy or
49 preadoptive subsidy agreements on or before June 30,
50 2004, shall continue to receive a child care subsidy,

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1 notwithstanding any income guidelines specified under
2 the child care assistance program, and shall not be
3 required to meet the specifications of a specialized
4 program as specified in the administrative rules, but
5 beginning July 1, 2004, the child care subsidy rate
6 shall be governed by the rate ceilings under the
7 department of human services' child care assistance
8 program.

9 (2) The department shall notify these individuals
10 within thirty days of the effective date of this
11 section of this Act of the potential change in the
12 determination of the child care subsidy rate described
13 under this subsection, and the process for requesting
14 an exception to policy.

15 (3) If an individual requests an exception to
 16 policy and the exception is approved, the individual
 17 shall continue to receive the child care subsidy rate
 18 in effect for the individual prior to July 1, 2004,
 19 and shall be reimbursed the difference between the
 20 prior rate and the new rate for the period of time
 21 that the new rate was applied.

22 4. It is the intent of the general assembly that
 23 any rules relating to the adoption subsidy program for
 24 which the effective date of the rules is delayed
 25 pursuant to section 17A.8, subsection 9, shall take
 26 effect unless legislation enacted by the general
 27 assembly conflicts with such rules.

28 5. The legislative council is requested to
 29 establish an interim study committee to review the
 30 adoption subsidy program, which includes a review of
 31 current practices regarding the determination of
 32 subsidy levels, disparities in subsidy levels among
 33 regions of the state, program cost and benefits, the
 34 fiscal and programmatic impact of projected future
 35 program growth, a thorough analysis of the demographic
 36 factors of the adoptive families as well as the
 37 adoptive children's special needs, and quantification
 38 of savings in other programs and services resulting
 39 from the utilization of the adoption subsidy program.
 40 The interim study committee shall seek input from the
 41 department of human services, adoptive parents, and
 42 others with experience or expertise relating to the
 43 adoption subsidy program and related services and
 44 supports. The interim study committee shall submit a
 45 report of findings and recommendations to the general
 46 assembly not later than December 1, 2004."

47 57. Page 130, line 2, by inserting after the word
 48 "fund." the following: "To the extent allowed under
 49 Title XIX of the federal Social Security Act, any
 50 hospital qualifying for disproportionate share

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1 hospital reimbursement shall provide evidence to the
 2 department that the hospital provides or participates
 3 in a disease management program."

4 58. Page 133, by inserting after line 5 the
 5 following:

6 "Sec. ____ Section 232.141, subsection 1, Code
 7 2003, is amended to read as follows:

8 1. Except as otherwise provided by law, the court
 9 shall inquire into the ability of the child or the
 10 child's parent to pay expenses incurred pursuant to
 11 ~~subsection subsections 2, and subsection 4, and, after~~
 12 8. After giving the parent a reasonable opportunity
 13 to be heard, the court may order the parent to pay all

14 or part of the costs of the child's care, examination,
15 treatment, legal expenses, or other expenses. An
16 order entered under this section does not obligate a
17 parent paying child support under a custody decree,
18 except that part of the monthly support payment may be
19 used to satisfy the obligations imposed by the order
20 entered pursuant to this section. If a parent fails
21 to pay as ordered, without good reason, the court may
22 proceed against the parent for contempt and may inform
23 the county attorney who shall proceed against the
24 parent to collect the unpaid amount. Any payment
25 ordered by the court shall be a judgment against each
26 of the child's parents and a lien as provided in
27 section 624.23. If all or part of the amount that the
28 parents are ordered to pay is subsequently paid by the
29 county or state, the judgment and lien shall
30 thereafter be against each of the parents in favor of
31 the county to the extent of the county's payments and
32 in favor of the state to the extent of the state's
33 payments.

34 Sec. ___. Section 234.39, Code 2003, is amended by
35 adding the following new subsection:

36 NEW SUBSECTION. 6. A support obligation for a
37 shelter care placement shall be determined under
38 section 232.141."

39 59. Page 133, by striking lines 9 through 13, and
40 inserting the following: "mental health quality of
41 care improvement committee. The committee membership
42 shall include".

43 60. Page 133, line 24, by inserting after the
44 figure "249A.24," the following: "the contractor for
45 the medical assistance program managed care mental
46 health contract,".

47 61. Page 133, line 33, by inserting after the
48 word "preferences." the following: "This paragraph
49 shall not apply to any prior authorization provision
50 in force on June 30, 2004, imposed under the existing

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1 managed care mental health care contract or any
2 extension of that contract."

3 62. Page 134, line 3, by inserting after the word
4 "and" the following: "after a cost-benefit analysis
5 may".

6 63. Page 134, by inserting after line 12, the
7 following:

8 "Sec. ___. NEW SECTION. 249A.35 MEDICAL
9 ASSISTANCE CRISIS INTERVENTION TEAM.

10 1. A medical assistance crisis intervention team
11 is created. The team shall consist of the following
12 members:

- 13 a. The president of the university of Iowa.
 14 b. A representative of the Iowa hospital
 15 association.
 16 c. A representative of the Iowa medical society.
 17 d. A representative of the Iowa pharmacy
 18 association.
 19 e. A representative of the Iowa health care
 20 association.
 21 f. A representative of the federation of Iowa
 22 insurers.
 23 g. A representative of the Iowa association of
 24 community providers.
 25 h. A representative of the medical assistance
 26 advisory council established pursuant to section
 27 249A.4, subsection 8.
 28 i. Two members selected by the president of the
 29 university of Iowa.
- 30 2. The president of the university of Iowa shall
 31 act as the chairperson of the team. Members of the
 32 team are entitled to receive reimbursement of actual
 33 expenses incurred in the discharge of their duties.
- 34 3. The department of human services shall provide
 35 staff to the team as determined by the division
 36 administrator of the division of medical services.
- 37 4. The team shall do all of the following:
 38 a. Provide a projection of medical assistance
 39 program and administrative costs through June 30,
 40 2008, based on services provided as of June 30, 2004.
- 41 b. Hold at least four monthly public meetings,
 42 beginning in July 2004, in at least four
 43 geographically balanced venues around the state. The
 44 team shall submit a report of its findings from these
 45 meetings to the general assembly on or before December
 46 1, 2004.
- 47 5. The team may provide any additional
 48 recommendations to the general assembly at any time
 49 regarding the medical assistance program including but
 50 not limited to recommendations regarding services,

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- 1 eligibility, rates, care management, and program
 2 administration.
- 3 6. The department of human services shall assist
 4 the team as follows:
 5 a. On or before July 1, 2004, the department shall
 6 submit to the team and make available to the public an
 7 initial analysis which includes all of the following
 8 data:
 9 (1) The number of medical assistance program
 10 enrolled eligibles by cohort grouped on the basis of
 11 factors such as age, income, disability, and optional

12 eligibility, for the period beginning July 1, 1999,
13 and ending June 30, 2004.

14 (2) A projection of the number of medical
15 assistance program enrolled eligibles in each of the
16 cohorts identified in subparagraph (1), for the period
17 beginning July 1, 2005, and ending June 30, 2008. The
18 projection shall be accompanied by a statement of the
19 underlying assumptions.

20 (3) The actual cost of all services and of each
21 service for each cohort described in subparagraph (1),
22 for the period beginning July 1, 1999, and ending June
23 30, 2004. The analysis of the data shall identify the
24 total cost for each cohort, the cost per member per
25 month for each cohort, and the twenty most utilized
26 medical procedures or services and the ten most
27 prevalent diagnoses associated within each cohort.
28 The analysis of the data shall identify, to the
29 greatest extent possible, the reason for changes in
30 total costs and the costs per member, per month during
31 the period, including but not limited to rate
32 adjustments, service utilization, and eligibility
33 growth.

34 (4) To the extent practical, a comparison of the
35 rates paid by commercial insurers to their Iowa
36 provider network and the rates paid by Medicare, with
37 the rates paid by the medical assistance program for
38 the same services, for the fiscal year beginning July
39 1, 2003, and ending June 30, 2004.

40 (5) An estimate of the program costs for the
41 medical assistance program for the period beginning
42 July 1, 2005, and ending June 30, 2008, based on all
43 of the following assumptions:

44 (a) The enrollment projections described in
45 subparagraph (2) and assuming reasonable change in
46 service utilization patterns, but no change in
47 provider rates in effect on June 30, 2004. The
48 projection shall include total and total program costs
49 per member, per month for each cohort and total cost
50 and the program cost per member per month for each

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1 cohort for the period beginning July 1, 2005, and
2 ending June 30, 2008. The assumptions used in
3 developing the projections shall be clearly stated.

4 (b) The enrollment projections described in
5 subparagraph (2) and assuming reasonable change in
6 service utilization patterns, and additionally
7 assuming that all medical assistance program fee for
8 service rates are equal to ninety-eight percent of the
9 usual and customary charges for such service in the
10 fiscal year beginning July 1, 2003, and ending June

11 30, 2004, and grow at an annual rate of two percent
12 annually through June 30, 2008, and assuming that
13 commensurate changes are made in rates paid to medical
14 assistance program managed care organizations.

15 (6) If the projections for later years exceed the
16 spending standard established in subparagraph (5),
17 subparagraph subdivision (b), a base rate and the
18 annual inflation adjustments that would result in
19 spending being limited to the spending standard
20 established in that paragraph.

21 (7) A description of the cost, member, provider,
22 and service quality impact of all of the following:

23 (a) Application of medical assistance program
24 allowable limits on optional services.

25 (b) Service utilization control strategies
26 including managed care and prior authorization in the
27 pharmacy, medical and behavioral, and long-term care
28 areas that have been utilized in other states or
29 jurisdictions that could potentially be utilized in
30 Iowa. The department shall identify the
31 administrative costs associated with each strategy.

32 (c) Accessible disease management and enhanced
33 primary care case management strategies with
34 particular attention to the timing of costs and
35 benefits.

36 (d) Accessible health promotion strategies and
37 disease prevention activities with particular
38 attention to the timing of costs and benefits.

39 (e) Enhanced surveillance and utilization review,
40 revenue collection, estate recovery, and cost
41 avoidance activities in future years.

42 (f) The federal Prescription Drug and Medicare
43 Improvement Act of 2003.

44 (g) The program options and cost savings
45 potentially associated with reducing the populations
46 of intermediate care facilities for the mentally
47 retarded and nursing facilities due to the
48 availability of home and community-based services,
49 including consumer-directed home care.

50 b. The department shall present the analysis

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1 described in paragraph "a" at the initial meeting of
2 the team in July 2004. The department shall adjust,
3 expand, or otherwise modify its analysis based on the
4 requests of the team at its subsequent monthly
5 meetings and shall assist the team in compiling the
6 team's final report to the general assembly.

7 Sec. ____ REPORT — MEDICAID PROGRAM FINANCING.
8 On or before August 1, 2004, the department of human
9 services shall submit a report to the chairpersons and

10 ranking members of the joint appropriations
11 subcommittee on health and human services, the
12 legislative services agency, the legislative caucus
13 staffs, and the medical assistance crisis intervention
14 team created in section 249A.35, providing
15 recommendations to reduce costs or provide revenue
16 enhancements to reduce the projected program and
17 administrative costs of the medical assistance program
18 by \$130,000,000 for the fiscal year beginning July 1,
19 2005, and ending June 30, 2006.”

20 64. Page 138, by inserting after line 11, the
21 following:

22 “___ . The section of this division of this Act
23 creating section 249A.35, relating to the medical
24 assistance crisis intervention team, takes effect upon
25 enactment.”

26 65. Page 138, by inserting after line 15 the
27 following:

28 “___ . The section of this division of this Act
29 relating to the adoption subsidy program.”

30 66. Page 141, by striking lines 1 through 8 and
31 inserting the following:

32 “___ . Five million dollars of the moneys
33 appropriated in this subsection shall be transferred
34 to the senior living revolving loan program fund
35 created in section 16.182 for the purposes of that
36 section.

37 ___ . Two million dollars of the moneys
38 appropriated in this subsection shall be transferred
39 to the home and community-based services revolving
40 loan program fund created in section 16.183 for the
41 purposes of that section.”

42 67. Page 144, by inserting after line 3 the
43 following:

44 “Sec. ___ . NEW SECTION. 16.182 SENIOR LIVING
45 REVOLVING LOAN PROGRAM FUND.

46 1. A senior living revolving loan program fund is
47 created within the authority to further the goal of
48 the senior living program as specified in section
49 249H.2. The moneys in the senior living revolving
50 loan program fund shall be used by the authority for

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1 the development and operation of a revolving loan
2 program to provide financing to construct affordable
3 assisted living and service-enriched affordable
4 housing for seniors and persons with disabilities,
5 including through new construction or acquisition and
6 rehabilitation.

7 2. Moneys received by the authority from the
8 senior living trust fund, transferred by the authority

9 for deposit in the senior living revolving loan
 10 program fund, moneys appropriated to the senior living
 11 revolving loan program, and any other moneys available
 12 to and obtained or accepted by the authority for
 13 placement in the senior living revolving loan program
 14 fund shall be deposited in the fund. Additionally,
 15 payment of interest, recaptures of awards, and other
 16 repayments to the senior living revolving loan program
 17 fund shall be deposited in the fund. Notwithstanding
 18 section 12C.7, subsection 2, interest or earnings on
 19 moneys in the senior living revolving loan program
 20 fund shall be credited to the fund. Notwithstanding
 21 section 8.33, moneys that remain unencumbered or
 22 unobligated at the end of the fiscal year shall not
 23 revert but shall remain available for the same purpose
 24 in the succeeding fiscal year.

25 3. The authority shall annually allocate moneys
 26 available in the senior living revolving loan program
 27 fund for the development of affordable assisted living
 28 and service-enriched affordable housing for seniors
 29 and persons with disabilities. The authority shall
 30 develop a joint application process for the allocation
 31 of federal low-income housing tax credits and funds
 32 available under this section. Moneys allocated to
 33 such developments may be in the form of loans, grants,
 34 or a combination of loans and grants.

35 4. The authority shall adopt rules pursuant to
 36 chapter 17A to administer this section.

37 Sec. ____ NEW SECTION. 16.183 HOME AND
 38 COMMUNITY-BASED SERVICES REVOLVING LOAN PROGRAM FUND.

39 1. A home and community-based services revolving
 40 loan program fund is created within the authority to
 41 further the goals specified in section 231.3, adult
 42 day services, respite services, and congregate meals.
 43 The moneys in the home and community-based services
 44 revolving loan program fund shall be used by the
 45 authority for the development and operation of a
 46 revolving loan program to develop and expand
 47 facilities and infrastructure that provide adult day
 48 services, respite services, and congregate meals that
 49 address the needs of persons with low incomes.

50 2. Moneys received by the authority from the

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1 senior living trust fund, transferred by the authority
 2 for deposit in the home and community-based services
 3 revolving loan program fund, moneys appropriated to
 4 the home and community-based services revolving loan
 5 program, and any other moneys available to and
 6 obtained or accepted by the authority for placement in
 7 the home and community-based services revolving loan

8 program fund shall be deposited in the fund.
9 Additionally, payment of interest, recaptures of
10 awards, and other repayments to the senior living
11 revolving loan program fund shall be deposited in the
12 fund. Notwithstanding section 12C.7, subsection 2,
13 interest or earnings on moneys in the home and
14 community-based services revolving loan program fund
15 shall be credited to the fund. Notwithstanding
16 section 8.33, moneys that remain unencumbered or
17 unobligated at the end of the fiscal year shall not
18 revert but shall remain available for the same purpose
19 in the succeeding fiscal year.

20 3. The authority, in cooperation with the
21 department of elder affairs, shall annually allocate
22 moneys available in the home and community-based
23 services revolving loan program fund to develop and
24 expand facilities and infrastructure that provide
25 adult day services, respite services, and congregate
26 meals that address the needs of persons with low
27 incomes.

28 4. The authority shall adopt rules pursuant to
29 chapter 17A to administer this section.”

30 68. Page 145, by inserting after line 11 the
31 following:

32 “Sec. ____ Section 331.438, subsection 4,
33 paragraph b, Code 2003, is amended by adding the
34 following new subparagraph:

35 NEW SUBPARAGRAPH. (16) Develop a procedure for
36 each county to disclose to the department of human
37 services information approved by the commission
38 concerning the mental health, mental retardation,
39 developmental disabilities, and brain injury services
40 provided to the individuals served through the county
41 central point of coordination process. The procedure
42 shall incorporate protections to ensure that if
43 individually identified information is disclosed, it
44 is disclosed and maintained in compliance with
45 applicable Iowa and federal confidentiality laws,
46 including but not limited to federal Health Insurance
47 Portability and Accountability Act requirements.”

48 69. Page 147, by inserting after line 5 the
49 following:

50 NEW SUBSECTION. 6. Each county shall submit a

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1 report to the Iowa state association of counties to be
2 shared with the legislative services agency on or
3 before January 31, 2005, regarding the unaudited
4 expenditures from the county's mental health, mental
5 retardation, and developmental disabilities services
6 fund.”

- 7 70. Page 161, by striking lines 2 through 12.
- 8 71. Page 167, by inserting after line 31 the
9 following:
10 “In addition to the amount appropriated in this
11 subsection, there is transferred from the moneys
12 credited during the fiscal year beginning July 1,
13 2004, to the depreciation fund maintained by the
14 department of administrative services pursuant to
15 section 8A.365, for purposes of the motor pool, to the
16 vehicle depreciation account maintained by the
17 department of public safety for vehicles utilized by
18 the division of the Iowa state patrol. During the
19 fiscal year the department of administrative services
20 shall credit to the depreciation fund at least
21 \$475,000 for purposes of the motor pool. The moneys
22 shall be transferred to the department of public
23 safety on a monthly basis. Moneys transferred
24 pursuant to this paragraph are appropriated to the
25 department of public safety for purposes of vehicle
26 replacement for the division of the Iowa state patrol.
27 Notwithstanding section 8.33, moneys transferred in
28 this paragraph that remain unencumbered or unobligated
29 at the close of the fiscal year shall not revert but
30 shall remain available for expenditure from the
31 department of public safety’s vehicle depreciation
32 account for the purposes designated until the close of
33 the fiscal year that begins July 1, 2005.”
- 34 72. Page 169, by inserting after line 2 the
35 following:
36 “Sec. ____ Section 8D.9, Code Supplement 2003, is
37 amended by adding the following new subsection:
38 NEW SUBSECTION. 4. A community college receiving
39 federal funding to conduct first responder training
40 and testing regarding homeland security first
41 responder communication and technology-related
42 research and development projects shall be authorized
43 to utilize the network for testing purposes.”
- 44 73. Page 169, by striking lines 3 through 16.
- 45 74. Page 169, line 27, by striking the words “the
46 effective date of this Act” and inserting the
47 following: “July 1, 2004”.
- 48 75. Page 170, by striking lines 1 through 17.
- 49 76. Page 171, by inserting after line 30 the
50 following:

Page 26

- 1 “Sec. ____ NEW SECTION. 564.9 DEPARTMENT OF
2 NATURAL RESOURCES — ACCESS.
3 1. The department of natural resources shall grant
4 the owner of a parcel of land access to a public road
5 if any of the following applies:

- 6 a. It is otherwise impossible for the owner to
7 access the public road because the parcel is
8 surrounded by land held by the department.
- 9 b. The parcel is otherwise surrounded by land with
10 a topography that makes access unreasonable.
- 11 c. Access by another way would cause degradation
12 or destroy the integrity of the land.
- 13 2. The department may grant access to the owner by
14 the sale, exchange, or other transfer of land or by
15 the grant of an easement.
- 16 3. A person entitled to access as provided in this
17 section may construct a road for automobile traffic
18 from the parcel to the public road. The owner shall
19 be responsible for constructing and maintaining any
20 private road from the parcel to the public road which
21 shall not be more than twenty feet in width unless
22 otherwise agreed to by the parties.”
- 23 77. By striking page 173, line 28, through page
24 174, line 11.
- 25 78. Page 177, line 17, by striking the word and
26 figures “13B.4, subsection 2,”.
- 27 79. Page 177, by striking lines 20 through 24.
- 28 80. Page 179, by inserting after line 19 the
29 following:
30 “Sec. ___. STATE APPEAL BOARD STREAMLINING. For
31 the fiscal year beginning July 1, 2004, the state
32 appeal board may pay out of any moneys in the state
33 treasury not otherwise appropriated for costs
34 associated with streamlining and improving the state
35 appeal board process.”
- 36 81. Page 179, by inserting after line 19 the
37 following:
38 “Sec. ___. Section 8.22A, subsection 3, Code
39 Supplement 2003, is amended to read as follows:
40 3. By December 15 of each fiscal year the
41 conference shall agree to a revenue estimate for the
42 fiscal year beginning the following July 1. That
43 estimate shall be used by the governor in the
44 preparation of the budget message under section 8.22
45 and by the general assembly in the budget process. If
46 the conference agrees to a different estimate at a
47 later meeting which projects a greater amount of
48 revenue than the initial estimate amount agreed to by
49 December 15, the governor and the general assembly
50 shall continue to use the initial estimate amount in

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- 1 the budget process for that fiscal year. However, if
2 the conference agrees to a different estimate at a
3 later meeting which projects a lesser amount of
4 revenue than the initial estimate amount, the governor

5 and the general assembly shall use the lesser amount
 6 in the budget process for that fiscal year. As used
 7 in this subsection, "later meeting" means only those
 8 later meetings which are held prior to the conclusion
 9 of the regular session of the general assembly and, if
 10 the general assembly holds an extraordinary session
 11 prior to the commencement of the fiscal year to which
 12 the estimate applies, those later meetings which are
 13 held before or during the extraordinary session.

14 Sec. ____ Section 8.54, subsection 2, Code 2003,
 15 is amended to read as follows:

16 2. There is created a state general fund
 17 expenditure limitation for each fiscal year ~~beginning~~
 18 ~~on or after July 1, 1993,~~ calculated as provided in
 19 this section. An expenditure limitation shall be used
 20 for the portion of the budget process commencing on
 21 the date the revenue estimating conference agrees to a
 22 revenue estimate for the following fiscal year in
 23 accordance with section 8.22A, subsection 3, and
 24 ending with the governor's final approval or
 25 disapproval of the appropriations bills applicable to
 26 that fiscal year that were passed prior to July 1 of
 27 that fiscal year in a regular or extraordinary
 28 legislative session."

29 82. Page 180, by inserting after line 5 the
 30 following:

31 "Sec. ____ Section 8.62, Code Supplement 2003, is
 32 amended by adding the following new subsection:
 33 NEW SUBSECTION. 4. Notwithstanding any provision
 34 of this section and sections 8.33 and 8.39 to the
 35 contrary, if a full-time equivalent position budgeted
 36 for within an appropriation from the general fund of
 37 the state to a department or establishment other than
 38 the state board of regents is vacant for all or a
 39 portion of the fiscal year, an amount equal to the
 40 salary and benefits associated with the time of
 41 vacancy of the position shall be considered to be
 42 encumbered for the period of the vacancy, shall not be
 43 used for any other purpose, and the encumbered amount
 44 shall revert to the general fund of the state at the
 45 close of the fiscal year."

46 83. Page 181, by inserting after line 15 the
 47 following:

48 "Sec. ____ Section 35A.2, Code 2003, is amended to
 49 read as follows:

50 35A.2 COMMISSION OF VETERANS AFFAIRS.

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- 1 1. A commission of veterans affairs is created
- 2 consisting of ~~seven~~ nine persons who shall be
- 3 appointed by the governor, subject to confirmation by

4 the senate. Members shall be appointed to staggered
5 terms of four years beginning and ending as provided
6 in section 69.19. The governor shall fill a vacancy
7 for the unexpired portion of the term.

8 2. Six commissioners shall be honorably discharged
9 members of the armed forces of the United States. The
10 American legion of Iowa, disabled American veterans
11 department of Iowa, veterans of foreign wars
12 department of Iowa, American veterans of World War II,
13 Korea, and Vietnam, the Vietnam veterans of America,
14 and the military order of the purple heart, through
15 their department commanders, shall submit two names
16 respectively from their organizations to the governor.
17 The governor shall appoint from each of the
18 organizations one representative to serve as a member
19 of the commission, unless the appointments would
20 conflict with the bipartisan and gender balance
21 provisions of sections 69.16 and 69.16A. In addition,
22 the governor shall appoint ~~one member~~ three members of
23 the public, knowledgeable in the general field of
24 veterans affairs, to serve on the commission.”

25 84. Page 182, by inserting after line 2 the
26 following:

27 “Sec. ____ Section 35D.13, subsection 2, Code
28 2003, is amended by striking the subsection and
29 inserting in lieu thereof the following:

30 2. The commandant shall be a licensed nursing home
31 administrator.”

32 85. Page 182, by inserting after line 12 the
33 following:

34 “Sec. ____ Section 135C.31A, Code Supplement 2003,
35 is amended to read as follows:

36 135C.31A ASSESSMENT OF RESIDENTS — PROGRAM
37 ELIGIBILITY.

38 Beginning July 1, 2003, a health care facility
39 receiving reimbursement through the medical assistance
40 program under chapter 249A shall assist the Iowa
41 commission of veterans affairs in identifying, upon
42 admission of a resident, the resident’s eligibility
43 for benefits through the federal department of
44 veterans affairs. The health care facility shall also
45 assist the Iowa commission of veterans affairs in
46 determining such eligibility for residents residing in
47 the facility on July 1, 2003. The department of
48 inspections and appeals, in cooperation with the
49 department of human services, shall adopt rules to
50 administer this section, including a provision that

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- 1 ensures that if a resident is eligible for benefits
- 2 through the federal department of veterans affairs or

3 other third-party payor, the payor of last resort for
 4 reimbursement to the health care facility is the
 5 medical assistance program. This section shall not
 6 apply to the admission of an individual to a state
 7 mental health institute for acute psychiatric care or
 8 to the admission of an individual to the Iowa veterans
 9 home.”

10 86. Page 182, by inserting after line 12 the
 11 following:

12 “Sec. ____ NEW SECTION. 153.40 MOBILE DENTAL
 13 DELIVERY SYSTEM.

14 The Iowa department of public health shall
 15 establish and implement a mobile dental delivery
 16 system to make available dental supplies, portable
 17 dental equipment, and vans to be used in transporting
 18 the equipment to provide oral health services to and
 19 improve the oral health of low-income persons who live
 20 in federal or state-designated health professional
 21 shortage areas and have the least access to oral
 22 health services. The department shall coordinate the
 23 program. Funds available for improving oral health
 24 may also be used for loan forgiveness for dental
 25 providers or to develop oral health training modules
 26 for nursing home staff or other suitable staff who
 27 provide oral health services to persons described in
 28 this section.”

29 87. Page 182, line 27, by inserting after the
 30 word “data” the following: “regarding the salaries
 31 and benefits of administrators and”.

32 88. Page 182, line 28, by striking the words
 33 “school year detailing contract settlement” and
 34 inserting the following: “contract settlement”.

35 89. Page 183, by inserting before line 1 the
 36 following:

37 “Sec. ____ Section 256D.3, subsection 3, Code
 38 2003, is amended to read as follows:

39 3. Beginning January 15, ~~2004~~ 2005, the department
 40 shall submit an annual report to the chairpersons and
 41 ranking members of the senate and house education
 42 committees that includes the statewide average school
 43 district class size in basic skills instruction in
 44 kindergarten through grade three, by grade level and
 45 by district size, and describes school district
 46 progress toward achieving early intervention block
 47 grant program goals and the ways in which school
 48 districts are using moneys received pursuant to
 49 ~~section 256D.4 this chapter and expended as provided~~
 50 in section 256D.2.”

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- 1 90. By striking page 183, line 32 through page
2 184, line 9, and inserting the following:
3 “Sec. ____ Section 257.8, subsection 1, Code
4 Supplement 2003, is amended to read as follows:
5 1. STATE PERCENT OF GROWTH. ~~The state percent of~~
6 ~~growth for the budget year beginning July 1, 2003, is~~
7 ~~two percent.~~ The state percent of growth for the
8 budget year beginning July 1, 2004, is two percent.
9 The state percent of growth for the budget year
10 beginning July 1, 2005, is four percent. The state
11 percent of growth for each subsequent budget year
12 shall be established by statute which shall be enacted
13 within thirty days of the submission in ~~the year~~
14 ~~preceding~~ the base year of the governor’s budget under
15 section 8.21. The establishment of the state percent
16 of growth for a budget year shall be the only subject
17 matter of the bill which enacts the state percent of
18 growth for a budget year.”
- 19 91. Page 184, by striking lines 19 through 34.
- 20 92. By striking page 184, line 35, through page
21 185, line 9.
- 22 93. Page 186, by striking lines 3 and 4 and
23 inserting the following: “subdivision of the state,
24 ~~except for county hospitals as provided in paragraph~~
25 ~~“c” of this subsection, and which”.~~
- 26 94. Page 186, by striking lines 7 and 8 and
27 inserting the following: ““g”, except that
28 institutions defined in paragraph “c” of this
29 subsection are exempt from the requirements of
30 paragraphs “a” and “b”.”
- 31 95. Page 186, lines 9 and 10, by striking the
32 words “a through” and inserting the following: “b
33 and”.
- 34 96. Page 186, by striking lines 12 through 15.
- 35 97. Page 186, line 16, by striking the word
36 “Annually” and inserting the following: “Is
37 accredited by the north central association of
38 colleges and secondary schools accrediting agency
39 based on their requirements, are exempt from taxation
40 under section 501(c)(3) of the Internal Revenue Code,
41 and annually”.
- 42 98. Page 186, line 27, by inserting after the
43 word “chapter.” the following: “An institution whose
44 income is not exempt from taxation under section
45 501(c) of the Internal Revenue Code and whose students
46 were eligible to receive Iowa tuition grant money in
47 the fiscal year beginning July 1, 2003, shall meet the
48 match requirements of this paragraph no later than
49 June 30, 2005.”
- 50 99. By striking page 186, line 35 through page

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1 187, line 1 and inserting the following:
2 "NEW SUBSECTION. 23. Submit annually to the
3 department of education data regarding the salaries
4 and benefits of administrators and from the most
5 recent".
6 100. Page 187, by striking lines 21 and 22 and
7 inserting the following: "board shall submit annually
8 to the department of education data regarding the
9 salaries and benefits of administrators and from the
10 most recent contract".
11 101. Page 188, by inserting after line 13 the
12 following:
13 "Sec. ____ NEW SECTION. 280A.1 IOWA LEARNING
14 TECHNOLOGY INITIATIVE.
15 1. INITIATIVE. The Iowa learning technology
16 initiative is created to provide training and learning
17 opportunities to public and accredited nonpublic
18 school students in grade seven and their
19 administrators and teachers.
20 2. PILOT PROGRAM. The Iowa learning technology
21 commission created in section 280A.2 shall develop and
22 administer the Iowa learning technology initiative,
23 which shall include a pilot program. Upon the receipt
24 or pledge of sufficient moneys, as determined by the
25 commission, for deposit in the Iowa learning
26 technology fund created in section 280A.4, the pilot
27 program shall be implemented. A school district or
28 accredited nonpublic school may submit an application
29 to participate in the pilot program to the commission
30 no later than sixty days following receipt or pledge
31 of moneys into the Iowa learning technology fund. The
32 application shall include a written statement that
33 indicates a dedicated willingness to participate.
34 School districts or accredited nonpublic schools
35 chosen to participate in the pilot program shall have
36 demonstrated to the commission administrative
37 leadership, teacher willingness to participate, and
38 community support, and shall represent geographically
39 distinct rural, urban, and suburban areas of the
40 state. The commission shall notify applicants of
41 approval or disapproval of applications no later than
42 seventy-five days after the application deadline.
43 3. PUBLIC-PRIVATE PARTNERSHIP.
44 a. The Iowa learning technology commission shall,
45 in consultation with the department of education and
46 the department of administrative services, develop and
47 issue no later than forty-five days after the receipt
48 or pledge of moneys into the Iowa learning technology
49 fund, a request for proposals for one or more private
50 providers who shall partner with the state to

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1 implement the pilot program phase of the initiative.
2 No later than forty-five days after the issuance of
3 the request for proposals, the commission shall select
4 finalists from among the proposals submitted. No
5 later than forty-five days after the selection of
6 finalists, the commission shall select one or more
7 private providers.

8 b. One or more private providers shall be selected
9 by the commission through a request for proposals
10 process for a total solutions learning technology
11 package that includes, but is not limited to,
12 hardware, software, professional development, and
13 service and support, which shall be managed by a
14 single point of contact responsible for the overall
15 implementation. The proposal selected by the
16 commission shall achieve significant efficiencies and
17 economies of scale, be interoperable with existing
18 technologies, and be consistent with the state's
19 economic development and education policies. In
20 selecting a private provider, the commission shall
21 consider all of the following with respect to the
22 private provider:

23 (1) Experience in the development and successful
24 implementation of large-scale, school-based wireless
25 and other learning technology projects, and the
26 technical ability to deliver a total solutions package
27 of learning technology for elementary and secondary
28 students and teachers.

29 (2) Demonstrated financial capability and long-
30 term stability to partner with the state over the term
31 of the private provider contract.

32 (3) Expertise, experience, and capabilities in
33 education practice and evaluation methods.

34 c. The commission shall conduct, in cooperation
35 with the attorney general, contract negotiations to
36 establish a public-private partnership on behalf of
37 the commission and enter into a contract negotiated
38 with one or more private providers to establish a
39 four-year learning technology pilot program to provide
40 a wireless laptop computer to each student, teacher,
41 and relevant administrator in a participating school
42 and implement the use of software, on-line courses,
43 and other appropriate learning technologies that have
44 been shown to improve academic achievement and
45 specified progress measures. The term of the contract
46 shall include the deployment of computers to students
47 and teachers in participating school districts and
48 accredited nonpublic schools in accordance with
49 subsection 2.

50 4. EVALUATION. To measure the effectiveness of

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1 the pilot program established pursuant to subsection
2 2, the Iowa learning technology commission shall, at a
3 minimum, establish standards and methods of measuring
4 progress in the areas of increased student engagement,
5 decreased disciplinary problems, increased use of
6 computers for writing, analysis, and research,
7 movement toward student-centered classrooms, increased
8 parental involvement, and increases in standardized
9 test scores. The commission shall work cooperatively
10 with the department of education and the state board
11 of regents in establishing an evaluation process
12 pursuant to this subsection.

13 Sec. __. NEW SECTION. 280A.2 COMMISSION —
14 MEMBERS.

15 1. COMMISSION CREATED. An Iowa learning
16 technology commission is created to establish the
17 policies and determine the necessary budget for
18 implementation of the Iowa learning technology
19 initiative.

20 2. MEMBERS. The commission shall initially be
21 appointed no later than July 1, 2004, and shall
22 consist of eighteen members appointed as follows:

23 a. Nine voting members who shall be members of the
24 general public and shall be appointed as follows:

25 (1) Two members shall be appointed by the
26 governor.

27 (2) Two members shall be appointed by the
28 president of the senate.

29 (3) One member shall be appointed by the minority
30 leader of the senate.

31 (4) Two members shall be appointed by the speaker
32 of the house of representatives.

33 (5) One member shall be appointed by the minority
34 leader of the house of representatives.

35 (6) One member who is a member of the state board
36 of education shall be appointed by the chairperson of
37 the state board.

38 b. Nine ex officio, nonvoting members who shall be
39 appointed as follows:

40 (1) One member representing public postsecondary
41 education institutions who is employed by a public
42 postsecondary education institution shall be appointed
43 by the governor.

44 (2) Three members representing three different
45 school districts shall be appointed by the governor as
46 follows:

47 (a) One member shall be a teacher employed by a
48 school district or area education agency who is
49 appointed from a list of three names submitted by a
50 certified employee organization representing teachers

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1 licensed under chapter 272.

2 (b) One member shall be an administrator employed
3 by a school district who is appointed from a list of
4 three names submitted by a statewide organization
5 representing administrators licensed under chapter
6 272.

7 (c) One member shall be a member of a board of
8 directors of a school district who is appointed by a
9 statewide organization representing school boards.

10 (3) One member representing area education
11 agencies shall be appointed by the governor from a
12 list of three names submitted by area education agency
13 administrators.

14 (4) One member who is a member of the senate shall
15 be appointed by the president of the senate.

16 (5) One member who is a member of the senate shall
17 be appointed by the minority leader of the senate.

18 (6) One member who is a member of the house of
19 representatives shall be appointed by the speaker of
20 the house of representatives.

21 (7) One member who is a member of the house of
22 representatives shall be appointed by the minority
23 leader of the house.

24 3. EXPERIENCE AND SPECIAL KNOWLEDGE. In
25 appointing members to the commission, proper
26 consideration shall be given to persons with
27 experience or special knowledge in one or more of the
28 following areas: education, business, economic
29 development, technology, and finance.

30 4. BALANCE. Commission members shall be appointed
31 in compliance with sections 69.16 and 69.16A.

32 Appointments of public members shall be made to
33 provide broad representation of the various
34 geographical areas of the state insofar as possible.

35 5. CHAIRPERSONS. The commission shall elect a
36 chairperson and a vice chairperson annually from among
37 the voting members of the commission. A member shall
38 not serve as a chairperson or vice chairperson for
39 more than three consecutive years.

40 6. MEETINGS. The commission shall meet at least
41 three times each year.

42 7. QUORUM. A majority of the voting members
43 constitutes a quorum for the transaction of any
44 official business.

45 8. TERMS OF MEMBERS. The members shall be
46 appointed to three-year staggered terms and the terms
47 shall commence and end as provided by section 69.19.
48 If a vacancy occurs, a successor shall be appointed to
49 serve the unexpired term. A successor shall be
50 appointed in the same manner and subject to the same

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1 qualifications as the original appointment to serve
2 the unexpired term.

3 9. EXPENSES. Members of the commission are
4 entitled to receive reimbursement for actual expenses
5 incurred while engaged in the performance of official
6 duties from the Iowa learning technology fund created
7 in section 280A.4, except that legislators' expenses
8 shall be paid from funds appropriated by section 2.12.

9 Sec. ____ NEW SECTION. 280A.3 COMMISSION PLAN —
10 GUIDING PRINCIPLES.

11 1. The Iowa learning technology commission created
12 in section 280A.2 shall develop a learning technology
13 plan to achieve the goal of preparing students for an
14 economy that is increasingly dependent on technology
15 and innovation. The commission shall examine the use
16 of technology in Iowa's and the nation's elementary
17 and secondary classrooms.

18 2. The plan developed by the commission shall
19 include, but not be limited to, the following:

20 a. The costs and benefits of each component of the
21 plan.

22 b. The professional development needed to
23 integrate learning technology into classroom
24 technology.

25 c. Strategies for implementation of the plan,
26 including, at a minimum, phasing in the plan over a
27 term of years.

28 d. Strategies that coordinate the learning
29 technology in kindergarten through grade twelve with
30 the initiatives and resources of the department of
31 education, Iowa communications network, area education
32 agencies, higher education institutions providing
33 approved practitioner preparation programs, and other
34 accredited postsecondary institutions in the state.

35 e. Procedures for data tracking and assessment of
36 the progress in implementing the goals of the
37 initiative and the plan.

38 f. Strategies to establish a public-private
39 partnership between state government and a private
40 sector business having relevant knowledge and
41 experience.

42 3. The plan shall be consistent with the following
43 guiding principles:

44 a. The plan shall promote equal opportunity for
45 and provide meaningful access to wireless and other
46 learning technology resources for all Iowa students
47 regardless of geographic location or economic means.

48 b. The plan shall support student achievement
49 through the integration of learning technologies that
50 are content-focused and that add value to existing

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1 instructional methods.
2 c. The plan shall provide for the future
3 sustainability of learning technology resources by
4 adapting to future educational needs and technological
5 changes.
6 d. The plan shall provide professional development
7 and training programs for administrators, teachers and
8 other educators in the use and integration of learning
9 technology tools in curriculum development,
10 instructional methods, and student assessment systems.
11 e. The plan shall foster economic development
12 across all regions of the state and the preparation of
13 students for an economy that embraces technology and
14 innovation.
15 4. The plan shall be submitted to the general
16 assembly on or before December 15, 2004.
17 Sec. __. NEW SECTION. 280A.4 FUND.
18 1. An Iowa learning technology fund is created in
19 the state treasury. The fund shall consist of moneys
20 including, but not limited to, moneys in the form of a
21 devise, gift, bequest, donation, federal or other
22 grant, reimbursement, repayment, judgment, transfer,
23 payment, or appropriation from any source intended to
24 be used for the purposes of the fund.
25 2. Moneys in the fund are appropriated to the Iowa
26 learning technology commission created in section
27 280A.2 for purposes of an Iowa learning technology
28 initiative created pursuant to section 280A.1. Moneys
29 in the fund shall not be subject to appropriation for
30 any other purpose by the general assembly. However,
31 moneys in the fund may be used for necessary audit
32 services, legal expenses, investment management fees
33 and services, and general administrative expenses
34 related to the management and administration of the
35 Iowa learning technology initiative.
36 3. Moneys in the fund are not subject to section
37 8.33. Notwithstanding section 12C.7, subsection 2,
38 interest or earnings on moneys deposited in the fund
39 shall be credited to the fund.
40 4. The fund shall be administered by the
41 commission, which shall make expenditures from the
42 fund consistent with the purposes of the initiative
43 without further appropriation. The fund shall be
44 administered in a manner that provides for the
45 financially sustainable support, use, and integration
46 of learning technology in Iowa schools through a
47 public-private partnership. Expenditures from the
48 fund shall be made consistent with the purposes of the
49 Iowa learning technology initiative to ensure one-to-
50 one access to and ubiquitous use of fully configured

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1 laptop computers in grade seven in public and
2 accredited nonpublic school classrooms located
3 initially in a number of school districts and
4 accredited nonpublic schools in Iowa as determined by
5 the Iowa learning technology commission.
6 Sec. ____ NEW SECTION. 280A.5 REPEAL.
7 This chapter is repealed effective July 1, 2009.”
8 102. Page 190, line 14, by inserting after the
9 word “proposition” the following: “unless the period
10 is extended as provided in section 422E.2, subsection
11 5”.
12 103. Page 190, line 16, by striking the word
13 “The”.
14 104. Page 190, by striking lines 17 through 20.
15 105. Page 191, by inserting before line 11 the
16 following:
17 “Sec. ____ Section 422E.2, subsection 5,
18 paragraphs a and b, Code Supplement 2003, are amended
19 to read as follows:
20 a. The tax may be repealed, the period of
21 imposition of the tax may be extended for additional
22 periods up to ten years each, or the rate increased,
23 but not above one percent, or decreased, or the use of
24 the revenues changed after an election at which a
25 majority of those voting on the question of repeal,
26 extension, rate change, or change in use favored the
27 repeal, extension, rate change, or change in use. The
28 election at which the question of repeal, extension,
29 rate change, or change in use is offered shall be
30 called and held in the same manner and under the same
31 conditions as provided in this section for the
32 election on the imposition of the tax. However, an
33 election on the change in use shall only be held in
34 the school district where the change in use is
35 proposed to occur. The election may be held at any
36 time but not sooner than sixty days following
37 publication of the ballot proposition. However, the
38 tax shall not be repealed before it has been in effect
39 for one year.
40 b. Within ten days of the election at which a
41 majority of those voting on the question favors the
42 imposition, repeal, extension, or change in the rate
43 of the tax, the county auditor shall give written
44 notice of the result of the election by sending a copy
45 of the abstract of the votes from the favorable
46 election to the director of revenue. Election costs
47 shall be apportioned among school districts within the
48 county on a pro rata basis in proportion to the number
49 of registered voters in each school district who
50 reside within the county and the total number of

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1 registered voters within the county.

2 Sec. ____ Section 422E.3, subsection 1, Code
3 Supplement 2003, is amended to read as follows:

4 1. If a majority of those voting on the question
5 of imposition of a local sales and services tax for
6 school infrastructure purposes favors imposition of
7 the tax, the tax shall be imposed by the county board
8 of supervisors within the county pursuant to section
9 422E.2, at the rate specified for ~~a ten-year duration~~
10 the period provided in section 422E.1, subsection 2 on
11 the gross receipts taxed by the state under chapter
12 422, division IV.

13 Sec. ____ Section 422E.3A, subsection 2, paragraph
14 a, Code Supplement 2003, is amended to read as
15 follows:

16 a. A school district that is located in whole or
17 in part in a county that voted on and approved prior
18 to April 1, 2003, the local sales and services tax for
19 school infrastructure purposes and that has a sales
20 tax capacity per student above the guaranteed school
21 infrastructure amount shall receive for the remainder
22 of the unextended term of the tax an amount equal to
23 its pro rata share of the local sales and services tax
24 receipts as provided in section 422E.3, subsection 5,
25 paragraph "d", unless the school board passes a
26 resolution by October 1, 2003, agreeing to receive a
27 distribution pursuant to paragraph "b", subparagraph
28 (1).

29 Sec. ____ Section 422E.3A, subsection 2, paragraph
30 b, subparagraphs (1) and (3), Code Supplement 2003,
31 are amended to read as follows:

32 (1) A school district that is located in whole or
33 in part in a county that voted on and approved prior
34 to April 1, 2003, the local sales and services tax for
35 school infrastructure purposes and that has a sales
36 tax capacity per student below its guaranteed school
37 infrastructure amount shall receive for the remainder
38 of the unextended term of the tax an amount equal to
39 its pro rata share of the local sales and services tax
40 receipts as provided in section 422E.3, subsection 5,
41 paragraph "d", plus an amount equal to its
42 supplemental school infrastructure amount, unless the
43 school district passes a resolution by October 1,
44 2003, agreeing to receive only an amount equal to its
45 pro rata share as provided in section 422E.3,
46 subsection 5, paragraph "d", in all subsequent years.

47 (3) A school district that is located in whole or
48 in part in a county that voted on and approved the
49 ~~continuation extension~~ extension of the tax pursuant to section
50 422E.2, subsection 5, on or after April 1, 2003, the

Page 39

1 local sales and services tax for school infrastructure
 2 purposes shall receive for any extended period an
 3 amount equal to its pro rata share of the local sales
 4 and services tax receipts as provided in section
 5 422E.3, subsection 5, paragraph “d”, not to exceed its
 6 guaranteed school infrastructure amount. However, if
 7 the school district’s pro rata share is less than its
 8 guaranteed school infrastructure amount, the district
 9 shall receive an additional amount equal to its
 10 supplemental school infrastructure amount.”

11 106. Page 194, line 2, by inserting after the
 12 word “materials,” the following: “and after
 13 consultation with the public water supply and
 14 consideration of all applicable rules relating to
 15 remediation.”.

16 107. Page 194, lines 9 and 10, by striking the
 17 words “are made available” and inserting the
 18 following: “do not impose a financial obligation on
 19 the part of the public water supply. Funds available
 20 to or provided by the public water supply may be used
 21 for system improvements made in conjunction with
 22 replacement of the source”.

23 108. Page 194, by striking lines 15 through 17
 24 and inserting the following: “standards. Nothing in
 25 this paragraph shall affect the public water supply’s
 26 right to pursue recovery from a responsible party.”

27 109. Page 199, by inserting after line 27 the
 28 following:

29 “Sec. ____ 2003 Iowa Acts, chapter 178, section
 30 28, unnumbered paragraph 3, is amended to read as
 31 follows:

32 Notwithstanding section 8.64, subsection 4, as
 33 enacted by this division of this Act, the local
 34 government innovation fund committee may provide ~~up to~~
 35 ~~20 percent of the~~ any amount appropriated in this
 36 section in the form of forgivable loans or as grants
 37 for those projects that propose a new and innovative
 38 sharing initiative that would serve as an important
 39 model for cities and counties.

40 Sec. ____ Notwithstanding section 8.33, moneys
 41 appropriated in 2003 Iowa Acts, chapter 178, section
 42 62, and 2003 Iowa Acts, chapter 181, section 11,
 43 subsection 3, which remain unencumbered or unobligated
 44 at the close of the fiscal year beginning July 1,
 45 2003, shall not revert but shall remain available for
 46 expenditure for the purposes for which they were
 47 appropriated for the fiscal year beginning July 1,
 48 2004.”

49 110. Page 199, by inserting before line 28 the
 50 following:

Page 40

1 "Sec. ____ 2004 Iowa Acts, House File 2490,
2 section 8, if enacted, is repealed."

3 111. Page 199, by inserting after line 34 the
4 following:

5 "Sec. ____ 2003 Iowa Acts, First Extraordinary
6 Session, chapter 2, section 4, unnumbered paragraph 3,
7 is amended to read as follows:

8 Notwithstanding section 8.64, subsection 4, if
9 enacted by 2003 Iowa Acts, Senate File 453, section
10 27, the local government innovation fund committee may
11 provide ~~up to 20 percent of the any~~ amount
12 appropriated in this section in the form of forgivable
13 loans or as grants for those projects that propose a
14 new and innovative sharing initiative that would serve
15 as an important model for cities and counties."

16 "Sec. ____ UNFILED VACANCIES — STATE BOARD OF
17 REGENTS. The state board of regents shall report on
18 the policies of the institutions under the authority
19 of the state board for addressing the budget
20 ramifications associated with unfilled vacant
21 positions. If a policy does not exist, the state
22 board shall provide for implementation of such a
23 policy and report concerning the policy to the
24 government oversight committees of the senate and
25 house of representatives. The report shall be
26 submitted on or before December 15, 2004."

27 112. Page 199, line 34, by inserting after the
28 figure "2004," the following: "Funds appropriated in
29 this section remaining unencumbered or unobligated at
30 the end of the fiscal year beginning July 1, 2004,
31 shall not revert but shall remain available to be used
32 for the purposes designated and for a home ownership
33 assistance program for eligible members of the
34 national guard and reserves of the armed forces of the
35 United States and the members' immediate families."

36 113. Page 203, by inserting after line 16 the
37 following:

38 "Sec. ____ MODIFIED ADDITIONAL ALLOWABLE GROWTH.

39 For the fiscal year beginning July 1, 2004, and ending
40 June 30, 2005, notwithstanding anything contrary in
41 section 257.18, subsection 2, if the board adopts a
42 resolution, not later than April 15, 2004, to increase
43 its participation in the instructional support program
44 under section 257.18 and a petition is not filed or if
45 the question is submitted to the registered voters of
46 the school district and the question is approved, the
47 school budget review committee shall establish
48 modified allowable growth for the school district for
49 the fiscal year beginning July 1, 2004, for the amount
50 of increased spending authority. The modified

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1 allowable growth shall equal the sum of the increased
2 state aid, income surtax, and property tax portion of
3 the instructional support program requested by the
4 district. The district is not eligible for state aid
5 as determined under section 257.20 due to increased
6 participation percent.”

7 114. Page 204, by inserting after line 16 the
8 following:

9 “Sec. ____. APPOINTMENTS. The new appointees to
10 the commission of veterans affairs, pursuant to the
11 increase in the membership of the commission as
12 provided in this division of this Act, shall be
13 appointed by the governor, with one member being
14 appointed for an initial term of two years and one
15 member being appointed for an initial term of four
16 years.”

17 115. Page 204, by inserting after line 17 the
18 following:

19 “____. The section of this division of this Act
20 enacting section 153.40 takes effect upon receipt of
21 the Iowa department of public health of federal
22 funding to establish a mobile dental delivery system.
23 The director of public health shall notify the Iowa
24 code editor that the funding has been received.”

25 116. Page 204, line 19, by striking the figure “,
26 257.16,”.

27 117. Page 204, line 23, by striking the figure
28 “422E.1,”.

29 118. Page 204, by striking lines 32 through 34
30 and inserting the following:

31 “____. The section of this division of this Act
32 providing modified allowable growth for school
33 districts to participate in an instructional support
34 program, being deemed of immediate importance, takes
35 effect upon enactment.

36 _____. The section of the division of this Act
37 amending 2003 Iowa Acts, chapter 179, section 21,
38 being deemed of immediate importance, takes effect
39 upon enactment.

40 _____. The section of this division of this Act
41 relating to the nonreversion of moneys appropriated
42 pursuant to 2003 Iowa Acts, chapter 178, section 62,
43 and 2003 Iowa Acts, chapter 181, section 11, being
44 deemed of immediate importance, takes effect upon
45 enactment.

46 _____. The sections of this division of this Act
47 relating to the increase in membership of the
48 commission of veterans affairs, being deemed of
49 immediate importance, take effect upon enactment.

50 _____. The section of this division of this Act

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1 repealing 2004 Iowa Acts, House File 2490, section 8,
2 if enacted, being deemed of immediate importance,
3 takes effect upon enactment.
4 _____. The sections of this division of this Act
5 amending sections 8.22A and 8.54, being deemed of
6 immediate importance, take effect upon enactment.”
7 119. By striking page 204, line 35 through page
8 205, line 21.
9 120. By renumbering, relettering, or
10 redesignating and correcting internal references as
11 necessary.

S-5384

1 Amend the House amendment, S-5383, to Senate File
2 2298, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. Page 1, by inserting after line 4 the
5 following:
6 “____. Page 2, by striking lines 9 through 20.”
7 2. Page 1, by striking lines 5 through 26 and
8 inserting the following:
9 “____. Page 2, line 30, by striking the figure
10 “1,950,000” and inserting the following: “1,889,610”.
11 _____. Page 2, line 33, by striking the figure
12 “1,950,000” and inserting the following:
13 “1,889,610.”
14 3. Page 2, line 17, by striking the word
15 “PROPERTY” and inserting the following: “STATE”.
16 4. Page 2, line 18, by striking the word
17 “property” and inserting the following: “state”.
18 5. Page 2, by striking lines 22 through 45.
19 6. Page 3, by striking lines 8 through 10.
20 7. By striking page 3, line 25, through page 9,
21 line 3.
22 8. Page 12, by striking lines 22 through 25 and
23 inserting the following: “issued pursuant to this
24 section.””
25 9. Page 13, by striking lines 38 through 40 and
26 inserting the following: “education agencies.””
27 10. Page 28, by striking lines 8 through 24 and
28 inserting the following:
29 “2. ~~Six~~ Eight commissioners shall be honorably
30 discharged members of the armed forces of the United
31 States. The American legion of Iowa, disabled
32 American veterans department of Iowa, veterans of
33 foreign wars department of Iowa, American veterans of
34 World War II, Korea, and Vietnam, the Vietnam veterans
35 of America, and the military order of the purple
36 heart, through their department commanders, shall

37 submit two names respectively from their organizations
 38 to the governor. The adjutant general and the Iowa
 39 affiliate of the reserve officers association shall
 40 submit names to the governor of persons to represent
 41 the Iowa national guard and the association. The
 42 governor shall appoint from the group of names
 43 submitted by the adjutant general and reserve officers
 44 association two representatives and from each of the
 45 other organizations one representative to serve as a
 46 member of the commission, unless the appointments
 47 would conflict with the bipartisan and gender balance
 48 provisions of sections 69.16 and 69.16A. In addition,
 49 the governor shall appoint one member of the public,
 50 knowledgeable in the general field of veterans

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1 affairs, to serve on the commission.”
 2 11. Page 28, line 30, by inserting after the word
 3 “be” the following: “a resident of the state of Iowa
 4 who served in the armed forces of the United States
 5 and was honorably discharged, and is”.
 6 12. Page 30, lines 13 and 14, by striking the
 7 words “~~the year preceding~~” and inserting the
 8 following: “the year preceding”.
 9 13. Page 42, line 8, by striking the figure “21.”
 10 and inserting the following: “21 and inserting the
 11 following:

12 “DIVISION ____
 13 REBUILD IOWA INFRASTRUCTURE FUND
 14 Sec. ____ There is appropriated from the rebuild
 15 Iowa infrastructure fund to the following departments
 16 and agencies for the designated fiscal years, the
 17 following amounts, or so much thereof as is necessary,
 18 to be used for the purposes designated:
 19 1. DEPARTMENT OF ADMINISTRATIVE SERVICES
 20 a. For routine maintenance of state buildings and
 21 facilities, notwithstanding section 8.57, subsection
 22 5, paragraph “c”:
 23 FY 2004–2005 \$ 2,000,000
 24 b. For relocation costs directly associated with
 25 remodeling projects on the capitol complex and for
 26 facility lease payments for the department of
 27 corrections, the Iowa department of public health, and
 28 the department of public safety, notwithstanding
 29 section 8.57, subsection 5, paragraph “c”:
 30 FY 2004–2005 \$ 2,271,617
 31 c. For technology improvement projects,
 32 notwithstanding section 8.57, subsection 5, paragraph
 33 “c”:
 34 FY 2004–2005 \$ 1,861,496
 35 Of the amount appropriated in this lettered

36 paragraph, \$288,496 is allocated to maintain and
 37 operate the enterprise warehouse technology project
 38 and \$73,000 is allocated to the division of criminal
 39 and juvenile justice planning of the department of
 40 human rights for 1.00 full-time equivalent position to
 41 provide support for the justice data warehouse
 42 technology project.

43 d. For major renovation and major repair needs,
 44 including health, life, and fire safety needs, and for
 45 compliance with the federal Americans With
 46 Disabilities Act, for state buildings and facilities
 47 under the purview of the department:

48 FY 2004–2005 \$ 4,300,000

49 (1) Of the amount appropriated in this lettered
 50 paragraph, up to \$375,000 may be used for costs

Page 3

1 associated with project management services in the
 2 division of design and construction within the general
 3 services enterprise of the department, notwithstanding
 4 section 8.57, subsection 5, paragraph “c”.

5 (2) Of the amount appropriated in this lettered
 6 paragraph, \$200,000 may be used for costs associated
 7 with the vertical infrastructure program,
 8 notwithstanding section 8.57, subsection 5, paragraph
 9 “c”.

10 e. For costs associated with the remodeling of the
 11 records and property center:

12 FY 2004–2005 \$ 5,000,000

13 FY 2005–2006 \$ 4,700,000

14 f. For accent lighting systems for the soldiers
 15 and sailors monument and the Allison monument on the
 16 capitol complex:

17 FY 2004–2005 \$ 35,000

18 g. For capitol interior restoration:

19 FY 2004–2005 \$ 1,770,000

20 h. For costs associated with the purchase of
 21 laboratory equipment for and the maintenance and
 22 operation of the state laboratories facility located
 23 in Ankeny, notwithstanding section 8.57, subsection 5,
 24 paragraph “c”:

25 FY 2004–2005 \$ 355,500

26 2. DEPARTMENT FOR THE BLIND

27 For the remodeling of the orientation center:

28 FY 2004–2005 \$ 67,000

29 3. STATE BOARD OF REGENTS

30 For maintenance at the Iowa school for the deaf and
 31 the Iowa braille and sight saving school:

32 FY 2004–2005 \$ 500,000

33 4. DEPARTMENT OF CORRECTIONS

34 a. For costs of entering into a lease-purchase

35 agreement to connect the electrical system supporting
 36 the special needs unit at Fort Madison:
 37 FY 2004–2005 \$ 333,168
 38 b. For construction of a community-based
 39 correctional facility, including district offices, in
 40 Davenport:
 41 FY 2004–2005 \$ 3,000,000
 42 FY 2005–2006 \$ 3,750,000
 43 FY 2006–2007 \$ 3,750,000
 44 It is the intent of the general assembly that the
 45 department of management allocate the entire
 46 appropriation for the fiscal year beginning July 1,
 47 2006, to the department of corrections by July 31,
 48 2006.
 49 5. DEPARTMENT OF CULTURAL AFFAIRS
 50 a. For historical site preservation grants, to be

Page 4

1 used for the restoration, preservation, and
 2 development of historical sites:
 3 FY 2004–2005 \$ 500,000
 4 Historical site preservation grants shall only be
 5 awarded for projects which meet the definition of
 6 “vertical infrastructure” in section 8.57, subsection
 7 5, paragraph “c”.
 8 In making grants pursuant to this lettered
 9 paragraph, the department shall consider the existence
 10 and amount of other funds available to an applicant
 11 for the designated project. A grant awarded from
 12 moneys appropriated in this lettered paragraph shall
 13 not exceed \$100,000 per project. Not more than two
 14 grants may be awarded in the same county.
 15 b. For continuation of the project recommended by
 16 the Iowa battle flag advisory committee to stabilize
 17 the condition of the battle flag collection,
 18 notwithstanding section 8.57, subsection 5, paragraph
 19 “c”:
 20 FY 2004–2005 \$ 100,000
 21 6. DEPARTMENT OF ECONOMIC DEVELOPMENT
 22 a. For accelerated career education program
 23 capital projects at community colleges that are
 24 authorized under chapter 260G and that meet the
 25 definition of “vertical infrastructure” in section
 26 8.57, subsection 5, paragraph “c”:
 27 FY 2004–2005 \$ 5,500,000
 28 The moneys appropriated in this paragraph shall be
 29 allocated equally among the community colleges in the
 30 state. If any portion of the equal allocation to a
 31 community college is not obligated or encumbered by
 32 April 1, 2005, the unobligated and unencumbered
 33 portions shall be available for use by other community

34 colleges.

35 b. For sole source grant costs associated with the

36 hosting of the national special Olympics in Iowa by a

37 special Olympics nonprofit entity, notwithstanding

38 section 8.57, subsection 5, paragraph “c”:

39 FY 2004–2005 \$ 500,000

40 c. To provide a grant for the planning, design,

41 and construction of a not-for-profit family

42 recreational facility that will also include a cardiac

43 rehabilitation center and a family indoor aquatic

44 center and which will be located in a county with a

45 population between 150,000 and 185,000:

46 FY 2004–2005 \$ 200,000

47 d. To be used for the Iowa Lewis and Clark

48 bicentennial commission established pursuant to

49 section 15.221, notwithstanding section 8.57,

50 subsection 5, paragraph “c”:

Page 5

1 FY 2004–2005 \$ 50,000

2 7. DEPARTMENT OF EDUCATION

3 a. To provide resources for structural and

4 technological improvements to local libraries and for

5 the enrich Iowa program, notwithstanding section 8.57,

6 subsection 5, paragraph “c”:

7 FY 2004–2005 \$ 600,000

8 Funds allocated for purposes of the enrich Iowa

9 program as provided in this lettered paragraph shall

10 be distributed by the division of libraries and

11 information services to provide support for Iowa’s

12 libraries.

13 b. For maintenance and lease costs associated with

14 part III connections, notwithstanding section 8.57,

15 subsection 5, paragraph “c”:

16 FY 2004–2005 \$ 2,727,000

17 c. For costs associated with the remodeling of the

18 Jessie Parker building:

19 FY 2004–2005 \$ 303,632

20 d. For allocation to the public broadcasting

21 division for costs of installation of digital and

22 analog television for Iowa public television

23 facilities, notwithstanding section 8.57, subsection

24 5, paragraph “c”:

25 FY 2004–2005 \$ 8,000,000

26 FY 2005–2006 \$ 8,000,000

27 FY 2006–2007 \$ 2,300,000

28 8. DEPARTMENT OF HUMAN SERVICES

29 To provide a grant for the planning, design, and

30 construction of a residential treatment facility for

31 youth with emotional and behavioral disorders located

32 in a central Iowa county with a population of

| | | | |
|----|--|----|---------|
| 33 | approximately 80,000: | | |
| 34 | FY 2004–2005 | \$ | 250,000 |
| 35 | 9. IOWA STATE FAIR AUTHORITY | | |
| 36 | For vertical infrastructure projects on the state | | |
| 37 | fairgrounds: | | |
| 38 | FY 2004–2005 | \$ | 250,000 |
| 39 | For purposes of this subsection, “vertical | | |
| 40 | infrastructure” means the same as defined in section | | |
| 41 | 8.57, subsection 5, paragraph “c”. | | |
| 42 | 10. NATIONAL PROGRAM FOR PLAYGROUND SAFETY AT THE | | |
| 43 | UNIVERSITY OF NORTHERN IOWA | | |
| 44 | For the Iowa safe surfacing initiative, | | |
| 45 | notwithstanding section 8.57, subsection 5, paragraph | | |
| 46 | “c”: | | |
| 47 | | \$ | 500,000 |
| 48 | Not more than 2.5 percent of the funds appropriated | | |
| 49 | in this subsection shall be used by the national | | |
| 50 | program for playground safety for administrative costs | | |

Page 6

| | | | |
|----|---|----|-----------|
| 1 | associated with the Iowa safe surfacing initiative. | | |
| 2 | The crumb rubber playground tiles for the | | |
| 3 | initiative shall be international play equipment | | |
| 4 | manufacturers association (IPEMA)-certified to the | | |
| 5 | American society for testing and materials (ASTM) | | |
| 6 | F1292 standard. | | |
| 7 | 11. DEPARTMENT OF NATURAL RESOURCES | | |
| 8 | For costs associated with the planning, design, and | | |
| 9 | construction of a premier destination state park, | | |
| 10 | notwithstanding section 8.57, subsection 5, paragraph | | |
| 11 | “c”: | | |
| 12 | FY 2004–2005 | \$ | 500,000 |
| 13 | 12. DEPARTMENT OF PUBLIC DEFENSE | | |
| 14 | a. For planning, design, and construction of a | | |
| 15 | national guard readiness center in or near Iowa City: | | |
| 16 | FY 2004–2005 | \$ | 2,150,000 |
| 17 | b. For maintenance and repair of national guard | | |
| 18 | armories and facilities: | | |
| 19 | FY 2004–2005 | \$ | 1,269,636 |
| 20 | c. For construction of a new national guard armory | | |
| 21 | at Boone: | | |
| 22 | FY 2004–2005 | \$ | 1,096,000 |
| 23 | 13. DEPARTMENT OF PUBLIC SAFETY | | |
| 24 | a. For capitol building and judicial building | | |
| 25 | security, notwithstanding section 8.57, subsection 5, | | |
| 26 | paragraph “c”: | | |
| 27 | FY 2004–2005 | \$ | 800,000 |
| 28 | b. For capitol complex security notwithstanding | | |
| 29 | section 8.57, subsection 5, paragraph “c”: | | |
| 30 | FY 2004–2005 | \$ | 300,000 |
| 31 | c. For costs of entering into a lease-purchase | | |

| | | | |
|----|--|----|---------|
| 32 | agreement to upgrade the automated fingerprint | | |
| 33 | identification system, notwithstanding section 8.57, | | |
| 34 | subsection 5, paragraph "c": | | |
| 35 | FY 2004–2005 | \$ | 550,000 |
| 36 | d. For costs associated with improvements to | | |
| 37 | Iowa's electronic criminal information records system | | |
| 38 | to comply with national crime information center | | |
| 39 | standards, notwithstanding section 8.57, subsection 5, | | |
| 40 | paragraph "c": | | |
| 41 | FY 2004–2005 | \$ | 500,000 |
| 42 | e. To the division of fire safety of the | | |
| 43 | department for allocation to the fire service training | | |
| 44 | bureau for the planning, design, and construction of | | |
| 45 | regional training facilities in the state: | | |
| 46 | FY 2004–2005 | \$ | 150,000 |
| 47 | f. To the division of fire safety of the | | |
| 48 | department for allocation to the fire service training | | |
| 49 | bureau to be used for the revolving loan program for | | |
| 50 | equipment purchases by local fire departments, not | | |

Page 7

| | | | |
|----|--|----|-----------|
| 1 | withstanding section 8.57, subsection 5, paragraph | | |
| 2 | "c": | | |
| 3 | FY 2004–2005 | \$ | 500,00 |
| 4 | 14. STATE DEPARTMENT OF TRANSPORTATION | | |
| 5 | a. For operation and maintenance of the network of | | |
| 6 | automated weather observation and data transfer | | |
| 7 | systems associated with the Iowa aviation weather | | |
| 8 | system, the runway marking program for public | | |
| 9 | airports, the windsock program for public airports, | | |
| 10 | and the aviation improvement program, notwithstanding | | |
| 11 | section 8.57, subsection 5, paragraph "c": | | |
| 12 | FY 2004–2005 | \$ | 500,000 |
| 13 | b. For vertical infrastructure improvements at the | | |
| 14 | commercial air service airports within the state: | | |
| 15 | FY 2004–2005 | \$ | 1,100,000 |
| 16 | One-half of the funds appropriated in this lettered | | |
| 17 | paragraph shall be allocated equally between each | | |
| 18 | commercial service airport, 40 percent of the funds | | |
| 19 | shall be allocated based on the percentage that the | | |
| 20 | number of enplaned passengers at each commercial | | |
| 21 | service airport bears to the total number of enplaned | | |
| 22 | passengers in the state during the previous fiscal | | |
| 23 | year, and 10 percent of the funds shall be allocated | | |
| 24 | based on the percentage that the air cargo tonnage at | | |
| 25 | each commercial service airport bears to the total air | | |
| 26 | cargo tonnage in the state during the previous fiscal | | |
| 27 | year. In order for a commercial service airport to | | |
| 28 | receive funding under this lettered paragraph, the | | |
| 29 | airport shall be required to submit applications for | | |
| 30 | funding of specific projects to the department for | | |

31 approval by the state transportation commission.
 32 c. For a vertical infrastructure improvement grant
 33 program for improvements at general aviation airports
 34 within the state:
 35 FY 2004–2005 \$ 581,400
 36 15. OFFICE OF TREASURER OF STATE
 37 For county fair infrastructure improvements for
 38 distribution in accordance with chapter 174 to
 39 qualified fairs which belong to the association of
 40 Iowa fairs:
 41 FY 2004–2005 \$ 1,060,000
 42 16. COMMISSION OF VETERANS AFFAIRS
 43 For deposit in the veterans trust fund established
 44 in section 35A.13, notwithstanding section 8.57,
 45 subsection 5, paragraph “c”:
 46 FY 2004–2005 \$ 1,000,000
 47 Of the amount appropriated in this subsection,
 48 notwithstanding contrary provisions of section 35A.13,
 49 \$500,000 is appropriated to and shall be used by the
 50 commission of veterans affairs for the establishment

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1 and operation of a veterans cemetery as required by
 2 section 35A.3, subsection 14, if enacted by this Act.
 3 Notwithstanding section 8.33, moneys appropriated in
 4 this unnumbered paragraph that remain unencumbered or
 5 unobligated at the close of the fiscal year shall not
 6 revert but shall remain available for expenditure for
 7 the purposes designated until the close of the
 8 succeeding fiscal year or when the project is
 9 completed, whichever is later.
 10 Sec. ____ . PAYMENTS IN LIEU OF TUITION. There is
 11 appropriated from the rebuild Iowa infrastructure fund
 12 to the state board of regents for the fiscal year
 13 beginning July 1, 2004, and ending June 30, 2005, the
 14 following amount, or so much thereof as may be
 15 necessary, to be used for the purpose designated:
 16 For allocation by the state board of regents to the
 17 state university of Iowa, the Iowa state university of
 18 science and technology, and the university of northern
 19 Iowa to reimburse the institutions for deficiencies in
 20 their operating funds resulting from the pledging of
 21 tuitions, student fees and charges, and institutional
 22 income to finance the cost of providing academic and
 23 administrative buildings and facilities and utility
 24 services at the institutions, notwithstanding section
 25 8.57, subsection 5, paragraph “c”:
 26 \$ 858,764
 27 Sec. ____ . REVERSION. Notwithstanding section
 28 8.33, moneys appropriated from the rebuild Iowa
 29 infrastructure fund in this division of this Act shall

30 not revert at the close of the fiscal year for which
31 they were appropriated but shall remain available for
32 the purposes designated until the close of the fiscal
33 year that begins July 1, 2007, or until the project
34 for which the appropriation was made is completed,
35 whichever is earlier. This section does not apply to
36 the sections in this division of this Act that were
37 previously enacted and are amended in this division of
38 this Act.

39 Sec. ____ 2003 Iowa Acts, chapter 177, section 6,
40 subsection 2, is amended to read as follows:

41 2. For costs associated with the ~~planning for the~~
42 ~~vacation and demolition~~ disposition of the Wallace
43 building:

44 \$ 50,000

45 The amount appropriated in this subsection shall be
46 used to conduct a complete evaluation and analysis
47 regarding the condition of the Wallace building,
48 including structural, mechanical, and environmental
49 systems and building air quality, and to make a
50 recommendation to the general assembly no later than

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1 January 31, 2005, as to whether the Wallace building
2 should be renovated for future use or vacated and
3 demolished. The recommendation shall include cost
4 estimates for renovation of the building and for its
5 demolition.

6 Sec. ____ 2003 Iowa Acts, chapter 177, section 14,
7 is amended to read as follows:

8 SEC. 14. REVERSION. Notwithstanding section 8.33,
9 moneys appropriated in this division of this Act shall
10 not revert at the close of the fiscal year for which
11 they were appropriated but shall remain available for
12 the purposes designated until the close of the fiscal
13 year that begins July 1, ~~2006~~ 2007, or until the
14 project for which the appropriation was made is
15 completed, whichever is earlier.

16 Sec. ____ 2003 Iowa Acts, chapter 179, section
17 140, is amended to read as follows:

18 SEC. 140. Notwithstanding section 8.33,
19 unencumbered and unobligated funds remaining from the
20 appropriation made in 1996 Iowa Acts, chapter 1218,
21 section 13, subsection 2, paragraph "a", subparagraph
22 (2), as amended by 1997 Iowa Acts, chapter 215,
23 section 3, and from the appropriation made in 1997
24 Iowa Acts, chapter 215, section 4, subsection 1, shall
25 not revert but shall be available for the purposes
26 designated in those provisions until the close of the
27 fiscal year beginning July 1, ~~2003~~ 2004.

28 Of the amount of unencumbered and unobligated funds

29 identified in this section, \$180,000 shall be used for
30 the purposes described in 2003 Iowa Acts, chapter 177,
31 section 6, subsection 2, as amended by this 2004 Act.

32 Sec. ____ 2002 Iowa Acts, chapter 1173, section
33 18, as amended by 2003 Iowa Acts, chapter 179, section
34 39, is amended to read as follows:

35 SEC. 18. POOLED TECHNOLOGY FUNDING — PRIOR
36 ALLOCATIONS — NONREVERSION. Notwithstanding section
37 8.33, moneys appropriated and allocated in 2001 Iowa
38 Acts, chapter 189, section 5, subsection 1, which
39 remain unobligated or unexpended at the close of the
40 fiscal year for which they were appropriated shall not
41 revert, but shall remain available for expenditure for
42 the purposes for which they were appropriated and
43 allocated, for the fiscal period beginning July 1,
44 2002, and ending June 30, ~~2004~~ 2005. Notwithstanding
45 the expenditure limitation in this section, the
46 information technology enterprise within the
47 department of administrative services may expend
48 available moneys in the pooled technology account
49 established in the office of the treasurer of state to
50 complete the comprehensive study required under 2003

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1 Iowa Acts, chapter 145, section 290, subsection 2,
2 paragraph “c”.

3 Sec. ____ 2000 Iowa Acts, chapter 1225, section 2,
4 as amended by 2001 Iowa Acts, chapter 185, section 2,
5 is amended to read as follows:

6 SEC. 2. There is appropriated from the rebuild
7 Iowa infrastructure fund to the department of
8 corrections for the fiscal year beginning July 1,
9 2000, and ending June 30, 2001, the following amounts,
10 or so much thereof as is necessary, to be used for the
11 purposes designated:

- 12 1. To supplement funds appropriated in 1998 Iowa
- 13 Acts, chapter 1219, section 2, subsection 3, for
- 14 construction of a 200-bed facility at the Iowa state
- 15 penitentiary at Fort Madison:
- 16 \$ 3,000,000
- 17 2. For community-based corrections projects:
- 18 \$ 900,000

19 The first \$300,000 of the amount appropriated in
20 this subsection shall be allocated for community-based
21 corrections projects in Council Bluffs. The next
22 \$600,000 of the amount appropriated in this subsection
23 shall be allocated for community-based corrections
24 projects in the judicial district in which the city of
25 Davenport is located. These moneys may be used by the
26 department to enter into lease-purchasing agreements
27 or the payment of rent for such projects.

28 Notwithstanding section 8.33 and section 20 of this
 29 Act, moneys appropriated in subsection 2 that remain
 30 unencumbered or unobligated at the close of the fiscal
 31 year that begins July 1, 2003, shall revert at the
 32 close of the fiscal year that begins July 1, 2006.
 33 However, if the projects for which the moneys are
 34 appropriated are completed in an earlier fiscal year,
 35 unencumbered or unobligated moneys shall revert at the
 36 close of that fiscal year.

37 Sec. ____ 2000 Iowa Acts, chapter 1225, section
 38 19, unnumbered paragraph 2, is amended to read as
 39 follows:

40 To supplement moneys appropriated in prior fiscal
 41 years for construction of a new dining hall and food
 42 services facility and renovation of the former Sheeler
 43 food preparation area:

44 \$ 992,000

45 Sec. ____ 2000 Iowa Acts, chapter 1225, section
 46 20, is amended to read as follows:

47 SEC. 20. REVERSION. Notwithstanding section 8.33,
 48 moneys appropriated in this division of this Act that
 49 remain unencumbered or unobligated at the close of the
 50 fiscal year that begins July 1, ~~2003~~ 2004, shall

1 revert at the close of that fiscal year. However, if
 2 the projects for which the moneys are appropriated are
 3 completed in an earlier fiscal year, unencumbered or
 4 unobligated moneys shall revert at the close of that
 5 fiscal year.

6 Sec. ____ EXAMINATION OF DEPARTMENT OF
 7 ADMINISTRATION — FY 2003–2004. Notwithstanding
 8 section 11.5B, for the fiscal year beginning July 1,
 9 2003, and ending June 30, 2004, the auditor of state
 10 shall not be entitled to reimbursement for performing
 11 any examination of the department of administrative
 12 services or funds received by the department of
 13 administrative services, except for an examination of
 14 the information technology enterprise within the
 15 department of administrative services and funds
 16 received by the information technology enterprise.

17 Sec. ____ SECURE AN ADVANCED VISION FOR EDUCATION
 18 FUND. Notwithstanding the maximum amount of the
 19 appropriation from the rebuild Iowa infrastructure
 20 fund to the secure an advanced vision for education
 21 fund specified in section 8.57, subsection 5,
 22 paragraph “f”, the maximum amount of such
 23 appropriation for the fiscal year beginning July 1,
 24 2004, and ending June 30, 2005, shall not exceed
 25 \$8,160,000.

26 Sec. ____ The following sections of this division

27 of this Act, being deemed of immediate importance,
28 take effect upon enactment:

29 1. The section amending 2003 Iowa Acts, chapter
30 177, section 6.

31 2. The section amending 2003 Iowa Acts, chapter
32 179, section 140.

33 3. The section amending 2002 Iowa Acts, chapter
34 1173, section 18, as amended by 2003 Iowa Acts,
35 chapter 179, section 39.

36 4. The section amending 2000 Iowa Acts, chapter
37 1225, section 2, as amended by 2001 Iowa Acts, chapter
38 185, section 2.

39 5. The section amending 2000 Iowa Acts, chapter
40 1225, section 19.

41 6. The section amending 2000 Iowa Acts, chapter
42 1225, section 20.

43 7. The section addressing the examination of the
44 department of administration in fiscal year 2003–2004.

45 DIVISION ____

46 ENVIRONMENT FIRST FUND

47 Sec. ____ There is appropriated from the
48 environment first fund to the following departments
49 and agencies for the fiscal year beginning July 1,
50 2004, and ending June 30, 2005, the following amounts,

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1 or so much thereof as is necessary, to be used for the
2 purposes designated:

3 1. DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP

4 a. For the conservation reserve enhancement
5 program to restore and construct wetlands for the
6 purposes of intercepting tile line runoff, reducing
7 nutrient loss, improving water quality, and enhancing
8 agricultural production practices:

9 \$ 1,500,00

10 Not more than 5 percent of the moneys appropriated
11 in this lettered paragraph may be used for costs of
12 administration and implementation of soil and water
13 conservation practices.

14 b. For continuation of a program that provides
15 multiobjective resource protections for flood control,
16 water quality, erosion control, and natural resource
17 conservation:

18 \$ 2,700,000

19 Not more than 5 percent of the moneys appropriated
20 in this lettered paragraph may be used for costs of
21 administration and implementation of soil and water
22 conservation practices.

23 c. For continuation of a statewide voluntary farm
24 management demonstration program to demonstrate the
25 effectiveness and adaptability of emerging practices

26 in agronomy that protect water resources and provide
 27 other environmental benefits:
 28 \$ 850,000
 29 Not more than 5 percent of the moneys appropriated
 30 in this lettered paragraph may be used for costs of
 31 administration and implementation of soil and water
 32 conservation practices.
 33 Of the amount appropriated in this lettered
 34 paragraph, \$400,000 shall be allocated to the Iowa
 35 soybean association's agriculture and environment
 36 performance program.
 37 d. For deposit in the alternative drainage system
 38 assistance fund created in section 460.303 to be used
 39 for purposes of supporting the alternative drainage
 40 system assistance program as provided in section
 41 460.304:
 42 \$ 500,000
 43 Not more than 5 percent of the moneys appropriated
 44 in this lettered paragraph may be used for costs of
 45 administration and implementation of soil and water
 46 conservation practices.
 47 e. To provide financial assistance for the
 48 establishment of permanent soil and water conservation
 49 practices:
 50 \$ 5,500,000

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- 1 (1) Not more than 5 percent of the moneys
- 2 appropriated in this lettered paragraph may be
- 3 allocated for cost-sharing to abate complaints filed
- 4 under section 161A.47.
- 5 (2) Of the moneys appropriated in this lettered
- 6 paragraph, 5 percent shall be allocated for financial
- 7 incentives to establish practices to protect
- 8 watersheds above publicly owned lakes of the state
- 9 from soil erosion and sediment as provided in section
- 10 161A.73.
- 11 (3) Not more than 30 percent of a district's
- 12 allocation of moneys as financial incentives may be
- 13 provided for the purpose of establishing management
- 14 practices to control soil erosion on land that is row-
- 15 cropped, including but not limited to no-till
- 16 planting, ridge-till planting, contouring, and contour
- 17 strip-cropping as provided in section 161A.73.
- 18 (4) The state soil conservation committee created
- 19 in section 161A.4 may allocate moneys appropriated in
- 20 this lettered paragraph to conduct research and
- 21 demonstration projects to promote conservation tillage
- 22 and nonpoint source pollution control practices.
- 23 (5) The financial incentive payments may be used
- 24 in combination with department of natural resources

25 moneys.

26 (6) Not more than 10 percent of the moneys
27 appropriated in this lettered paragraph may be used
28 for costs of administration and implementation of soil
29 and water conservation practices.

30 f. To encourage and assist farmers in enrolling in
31 and the implementation of federal conservation
32 programs and work with them to enhance their
33 revegetation efforts to improve water quality and
34 habitat:

35 \$ 2,000,000

36 Not more than 5 percent of the moneys appropriated
37 in this lettered paragraph may be used for costs of
38 administration and implementation of soil and water
39 conservation practices.

40 g. For deposit in the loess hills development and
41 conservation fund created in section 161D.2:

42 \$ 600,000

43 Of the amount appropriated in this lettered
44 paragraph, \$400,000 shall be allocated to the hungry
45 canyons account and \$200,000 shall be allocated to the
46 loess hills alliance account, to be used for the
47 purposes for which the moneys in those accounts are
48 authorized to be used under chapter 161D. No more
49 than 5 percent of the moneys allocated to each account
50 in this lettered paragraph may be used for

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1 administrative costs.

2 h. For deposit in the southern Iowa development
3 and conservation fund created in section 161D.12:

4 \$ 300,00

5 Not more than 5 percent of the moneys appropriated
6 in this lettered paragraph may be used for
7 administrative costs.

8 2. DEPARTMENT OF ECONOMIC DEVELOPMENT

9 For deposit in the brownfield redevelopment fund
10 created in section 15.293 to provide assistance under
11 the brownfield redevelopment program:

12 \$ 500,000

13 3. DEPARTMENT OF NATURAL RESOURCES

14 a. To provide local watershed managers with
15 geographic information system data for their use in
16 developing, monitoring, and displaying results of
17 their watershed work:

18 \$ 195,000

19 b. For statewide coordination of volunteer efforts
20 under the water quality and keepers of the land
21 programs:

22 \$ 100,000

23 c. For continuing the establishment and operation

24 of water quality monitoring stations:
 25 \$ 2,955,000
 26 d. For deposit in the administration account of
 27 the water quality protection fund, to carry out the
 28 purposes of that account:
 29 \$ 500,000
 30 e. For air quality monitoring equipment:
 31 \$ 500,000
 32 f. For the dredging of lakes, including necessary
 33 preparation for dredging, in accordance with the
 34 department's classification of Iowa lakes restoration
 35 report:
 36 \$ 1,000,000
 37 The department shall consider the following
 38 criteria for funding lake dredging projects as
 39 provided in this lettered paragraph, and shall
 40 prioritize projects based on the following:
 41 (1) Documented efforts to address watershed
 42 protection, considering testing, conservation efforts,
 43 and amount of time devoted to watershed protection.
 44 (2) Protection of a natural resource and natural
 45 habitat.
 46 (3) Percentage of public access and undeveloped
 47 lakefront property.
 48 (4) Continuation of current projects partially
 49 funded by state resources to achieve department
 50 recommendations.

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1 g. For purposes of funding capital projects for
 2 the purposes specified in section 452A.79, and for
 3 expenditures for the local cost share grants to be
 4 used for capital expenditures to local governmental
 5 units for boating accessibility:
 6 \$ 2,300,00
 7 h. For regular maintenance of state parks and
 8 staff time associated with these activities:
 9 \$ 2,000,00
 10 RESOURCES ENHANCEMENT AND PROTECTION FUND
 11 Sec. __. Notwithstanding the amount of the
 12 standing appropriation from the general fund of the
 13 state under section 455A.18, subsection 3, there is
 14 appropriated from the environment first fund to the
 15 Iowa resources enhancement and protection fund, in
 16 lieu of the appropriation made in section 455A.18, for
 17 the fiscal year beginning July 1, 2004, and ending
 18 June 30, 2005, the following amount, to be allocated
 19 as provided in section 455A.19:
 20 \$ 11,000,000
 21 Sec. __. REVERSION.
 22 1. Except as provided in subsection 2, and

23 notwithstanding section 8.33, moneys appropriated in
 24 this division of this Act that remain unencumbered or
 25 unobligated shall not revert at the close of the
 26 fiscal year for which they were appropriated but shall
 27 remain available for the purposes designated until the
 28 close of the fiscal year beginning July 1, 2005, or
 29 until the project for which the appropriation was made
 30 is completed, whichever is earlier.

31 2. Notwithstanding section 8.33, moneys
 32 appropriated in this division of this Act to the
 33 department of agriculture and land stewardship to
 34 provide financial assistance for the establishment of
 35 permanent soil and water conservation practices that
 36 remain unencumbered or unobligated at the close of the
 37 fiscal year shall not revert but shall remain
 38 available for expenditure for the purposes designated
 39 until the close of the fiscal year that begins July 1,
 40 2007.

41 DIVISION ____

42 TOBACCO SETTLEMENT TRUST FUND

43 Sec. ____ There is appropriated from the tax-
 44 exempt bond proceeds restricted capital funds account
 45 of the tobacco settlement trust fund to the following
 46 departments and agencies for the fiscal year beginning
 47 July 1, 2004, and ending June 30, 2005, the following
 48 amounts, or so much thereof as is necessary, to be
 49 used for the purposes designated:

50 1. DEPARTMENT OF ADMINISTRATIVE SERVICES

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| | | |
|---|--|--------------|
| 1 | a. For the payment of claims relating to the | |
| 2 | purchase and implementation of an integrated | |
| 3 | information for Iowa system, notwithstanding section | |
| 4 | 12E.12, subsection 1, paragraph "b", subparagraph (1): | |
| 5 | | \$ 6,049,284 |
| 6 | b. For capitol interior restoration: | |
| 7 | | \$ 3,500,000 |

8 The department shall consult with the leaders of
 9 the senate and house of representatives prior to
 10 planning or implementing any capitol interior
 11 restoration project or other activity.

12 2. TAX-EXEMPT STATUS — USE OF APPROPRIATIONS.

13 Payment of moneys from the appropriations in this
 14 section shall be made in a manner that does not
 15 adversely affect the tax-exempt status of any
 16 outstanding bonds issued by the tobacco settlement
 17 authority.

18 3. REVERSION. Notwithstanding section 8.33,

19 moneys appropriated in this section shall not revert
 20 at the close of the fiscal year for which they were
 21 appropriated but shall remain available for the

22 purposes designated until the close of the fiscal year
 23 that begins July 1, 2006, or until the project for
 24 which the appropriation was made is completed,
 25 whichever is earlier.

26 Sec. ____ PAYMENTS IN LIEU OF TUITION. There is
 27 appropriated from the tax-exempt bond proceeds
 28 restricted capital funds account of the tobacco
 29 settlement trust fund of the state to the state board
 30 of regents for the fiscal year beginning July 1, 2004,
 31 and ending June 30, 2005, the following amount, or so
 32 much thereof as is necessary, to be used for the
 33 purpose designated:

34 For allocation by the state board of regents to the
 35 state university of Iowa, the Iowa state university of
 36 science and technology, and the university of northern
 37 Iowa to reimburse the institutions for deficiencies in
 38 their operating funds resulting from the pledging of
 39 tuitions, student fees and charges, and institutional
 40 income to finance the cost of providing academic and
 41 administrative buildings and facilities and utility
 42 services at the institutions, notwithstanding section
 43 12E.12, subsection 1, paragraph "b", subparagraph (1):
 44 \$ 10,437,174

45 Sec. ____ IOWA COMMUNICATIONS NETWORK DEBT
 46 SERVICE. There is appropriated from the tax-exempt
 47 bond proceeds restricted capital funds account of the
 48 tobacco settlement trust fund to the office of the
 49 treasurer of state for the fiscal year beginning July
 50 1, 2004, and ending June 30, 2005, the following

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1 amount, or so much thereof as is necessary, to be used
 2 for the purpose designated:

3 For debt service for the Iowa communications
 4 network, notwithstanding section 12E.12, subsection 1,
 5 paragraph "b", subparagraph (1):
 6 \$ 13,039,778

7 Funds appropriated in this section shall be
 8 deposited in a separate fund established in the office
 9 of the treasurer of state to be used solely for debt
 10 service for the Iowa communications network. The Iowa
 11 telecommunications and technology commission shall
 12 certify to the treasurer of state when a debt service
 13 payment is due, and upon receipt of the certification,
 14 the treasurer shall make the payment. The commission
 15 shall pay any additional amount due from funds
 16 deposited in the Iowa communications network fund.

17 Sec. ____ PRISON DEBT SERVICE. There is
 18 appropriated from the tax-exempt bond proceeds
 19 restricted capital funds account of the tobacco
 20 settlement trust fund to the office of the treasurer

21 of state for the fiscal year beginning July 1, 2004,
22 and ending June 30, 2005, the following amount, or so
23 much thereof as is necessary, to be used for the
24 purpose designated:

25 For repayment of prison infrastructure bonds under
26 section 16.177, notwithstanding section 12E.12,
27 subsection 1, paragraph "b", subparagraph (1):
28 \$ 5,413,324

29 Sec. ____ ENDOWMENT FOR IOWA'S HEALTH ACCOUNT —
30 TRANSFER TO REBUILD IOWA INFRASTRUCTURE FUND.

31 Notwithstanding 2001 Iowa Acts, chapter 174, section
32 1, subsection 1, as amended by 2002 Iowa Acts, chapter
33 1167, section 4, 2002 Iowa Acts, chapter 1174, section
34 8, and 2002 Iowa Acts, chapter 1175, section 95, there
35 is transferred from the endowment for Iowa's health
36 account of the tobacco settlement trust fund created
37 in section 12E.12 to the rebuild Iowa infrastructure
38 fund for the fiscal year beginning July 1, 2004, and
39 ending June 30, 2005, the following amount:
40 \$ 10,966,960

41 Notwithstanding section 8.33, moneys transferred in
42 this section shall not revert.

43 Sec. ____ 2003 Iowa Acts, chapter 177, section 23,
44 subsection 3, is amended to read as follows:
45 3. Notwithstanding section 8.33, moneys
46 appropriated in this section shall not revert at the
47 close of the fiscal year for which they were
48 appropriated, but shall remain available for the
49 purpose designated until the close of the fiscal year
50 that begins July 1, ~~2005~~ 2006, or until the project

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1 for which the appropriation was made is completed,
2 whichever is earlier.

3 Sec. ____ 2002 Iowa Acts, chapter 1173, section 1,
4 subsection 7, paragraph a, is amended to read as
5 follows:

6 a. For parking improvements and provision of
7 street access for the judicial building:
8 FY 2002–2003 \$ 700,000
9 FY 2003–2004 \$ 0
10 FY 2004–2005 \$ 0
11 FY 2005–2006 \$ 0

12 Of the amount appropriated in this lettered
13 paragraph for FY 2002–2003, up to \$330,000 may be used
14 for costs associated with operation of the judicial
15 building, notwithstanding section 12E.12, subsection
16 1, paragraph "b", subparagraph (1).

17 DIVISION ____
18 MISCELLANEOUS FUNDS
19 Sec. ____ HELP AMERICA VOTE ACT. There is

20 appropriated from the general fund of the state to the
21 office of the secretary of state for the fiscal year
22 beginning July 1, 2003, and ending June 30, 2004, the
23 following amount, or so much thereof as is necessary,
24 to be used for the purposes designated:

25 For the purchase and installation of voting
26 machines to implement the federal Help America Vote
27 Act (HAVA):

28 \$ 765,000

29 Of the federal funds drawn down pursuant to HAVA,
30 not less than 80 percent shall be distributed to
31 counties for the implementation of that Act.

32 The state commissioner of elections shall report to
33 the general assembly regarding the expenditure of the
34 moneys appropriated in this subsection by January 2,
35 2005, and July 1, 2005.

36 Notwithstanding section 8.33, moneys appropriated
37 in this section that remain unencumbered or
38 unobligated at the close of the fiscal year shall not
39 revert but shall remain available for expenditure for
40 the purposes designated until the close of the
41 succeeding fiscal year.

42 Sec. ____ GENERAL FUND APPROPRIATIONS.

43 1. There is appropriated from the general fund of
44 the state to the state department of transportation
45 for the fiscal year beginning July 1, 2004, and ending
46 June 30, 2005, the following amounts, or so much
47 thereof as is necessary, to be used for the purposes
48 designated:

49 a. For operation and maintenance of the network of
50 automated weather observation and data transfer

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1 systems associated with the Iowa aviation weather
2 system, the runway marking program for public
3 airports, the windsock program for public airports,
4 and the aviation improvement program:

5 \$ 64,792

6 b. For the rail assistance program and to provide
7 economic development project funding:

8 \$ 35,959

9 2. There is appropriated from the general fund of
10 the state to the racing and gaming commission within
11 the department of inspections and appeals for the
12 fiscal year beginning July 1, 2004, and ending June
13 30, 2005, in addition to any other appropriation made
14 by the general assembly, the following amount, or so
15 much thereof as is necessary, to be used for the
16 purposes designated:

17 For salaries, support, maintenance, and
18 miscellaneous purposes for the regulation of pari-

19 mutual racetracks:
 20 \$ 217,161
 21 The funds appropriated in this subsection shall be
 22 used for one additional gaming representative at each
 23 of the three licensed racetracks.
 24 Sec. __. PRIMARY ROAD FUND APPROPRIATION. There
 25 is appropriated from the primary road fund to the
 26 department of administrative services for the fiscal
 27 year beginning July 1, 2004, and ending June 30, 2005,
 28 the following amount, or so much thereof as is
 29 necessary, to be used for distribution to the state
 30 department of transportation:
 31 \$ 465,491
 32 Moneys appropriated in this section shall be
 33 separately accounted for in a distribution account and
 34 shall be distributed to the state department of
 35 transportation to pay for services provided the state
 36 department of transportation by the department of
 37 administrative services as described in chapter 8A.
 38 Sec. __. ROAD USE TAX FUND APPROPRIATION. There
 39 is appropriated from the road use tax fund to the
 40 department of administrative services for the fiscal
 41 year beginning July 1, 2004, and ending June 30, 2005,
 42 the following amount, or so much thereof as is
 43 necessary, to be used for distribution to the state
 44 department of transportation:
 45 \$ 76,059
 46 Moneys appropriated in this section shall be
 47 separately accounted for in a distribution account and
 48 shall be distributed to the state department of
 49 transportation to pay for services provided the state
 50 department of transportation by the department of

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1 administrative services as described in chapter 8A.
 2 Sec. __. TRANSFER AND DEPOSIT OF SURPLUS MONEYS
 3 IN LOCAL HOUSING ASSISTANCE PROGRAM FUND. The sum of
 4 \$800,000 is transferred from moneys declared by the
 5 Iowa finance authority under section 16.10 to be
 6 surplus moneys to the housing trust fund created in
 7 section 16.181 for the fiscal year beginning July 1,
 8 2004, and ending June 30, 2005.
 9 Sec. __. 2003 Iowa Acts, chapter 171, section 2,
 10 is amended by inserting the following new unnumbered
 11 paragraph:
 12 NEW UNNUMBERED PARAGRAPH. Notwithstanding section
 13 8.33, moneys appropriated in subsection 1 that remain
 14 unencumbered or unobligated at the close of the fiscal
 15 year shall not revert but shall remain available for
 16 expenditure until the close of the fiscal year that
 17 begins July 1, 2004, for the purpose of restocking the

18 department's salt storage.

19 Sec. ____ EFFECTIVE DATE.

20 1. The section of this division of this Act
21 providing an appropriation for implementation of the
22 federal Help America Vote Act, being deemed of
23 immediate importance, takes effect upon enactment.

24 2. The section of this division of this Act,
25 amending 2003 Iowa Acts, chapter 171, section 2, being
26 deemed of immediate importance, takes effect upon
27 enactment.

28 DIVISION ____
29 CODE CHANGES

30 Sec. ____ Section 15.109, subsection 2, Code 2003,
31 is amended to read as follows:

32 2. Apply for, receive, administer, and use federal
33 or other funds available for achieving the purposes of
34 this chapter. For purposes of this subsection, the
35 term "federal funds" includes federal tax credits,
36 grants, or other economic benefits allocated or
37 provided by the United States government to encourage
38 investment in low-income or other specified areas or
39 to otherwise promote economic development. The
40 department may enter into an agreement pursuant to
41 chapter 28E, or any other agreement, with a person,
42 including for-profit and nonprofit legal entities, in
43 order to directly or indirectly apply for, receive,
44 administer, and use federal funds. As part of such
45 agreements and in furtherance of this public purpose
46 and in addition to powers and duties conferred under
47 other provisions of law, the department may, including
48 for or on behalf of for-profit or nonprofit legal
49 entities, appoint, remove, and replace board members
50 and advisors; provide oversight; make its personnel

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1 and resources available to perform administrative,
2 management, and compliance functions; coordinate
3 investments; and engage in other acts as reasonable
4 and necessary to encourage investment in low-income or
5 other areas or to promote economic development. The
6 department, including department officials and
7 employees in their official and personal capacities,
8 are immune from liability for all acts or omissions
9 under this subsection.

10 Sec. ____ Section 80.9, subsection 2, paragraph f,
11 Code 2003, is amended to read as follows:

12 f. Provide protection and security for persons and
13 property on the grounds of the state capitol complex.
14 Notwithstanding chapter 8A or any other provision of
15 law, the department shall be solely responsible for
16 the purchase, installation, and maintenance of

17 including making any improvements or additions to,
 18 executive branch capitol complex security systems or
 19 equipment, including the changing of locks and
 20 issuance of keys, access cards, and identification
 21 badges. The department of administrative services
 22 shall cooperate with the department of public safety
 23 in executing the department's duties under this
 24 paragraph.

25 Sec. ____ Section 423.3, subsections 2 and 37, as
 26 enacted by 2003 Iowa Acts, First Extraordinary
 27 Session, chapter 2, section 96, are amended to read as
 28 follows:

29 2. The sales price of sales for resale of tangible
 30 personal property or taxable services, or for resale
 31 of tangible personal property in connection with the
 32 furnishing of taxable services except for sales, other
 33 than leases or rentals, which are sales, of machinery,
 34 equipment, attachments, and replacement parts
 35 specifically enumerated in subsection 37 and used in
 36 the manner described in subsection 37.

37 37. The sales price of services on or connected
 38 with new construction, reconstruction, alteration,
 39 expansion, remodeling, or the services of a general
 40 building contractor, architect, or engineer. The
 41 exemption in this subsection also applies to the sales
 42 price on the lease or rental of self-propelled
 43 building equipment, self-constructed cranes, pile
 44 drivers, structural concrete forms, regular and
 45 motorized scaffolding, generators, or attachments
 46 customarily drawn or attached to self-propelled
 47 building equipment, self-constructed cranes, pile
 48 drivers, structural concrete forms, regular and
 49 motorized scaffolding, and generators, including
 50 auxiliary attachments which improve the performance,

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1 safety, operation, or efficiency of the equipment and
 2 replacement parts and are directly and primarily used
 3 by contractors, subcontractors, and builders for new
 4 construction, reconstruction, alterations, expansion,
 5 or remodeling of real property or structures.

6 DIVISION ____

7 MISCELLANEOUS PROVISIONS

8 Sec. ____ Section 8.57, subsection 5, Code
 9 Supplement 2003, is amended by adding the following
 10 new paragraph:

11 NEW PARAGRAPH. g. Notwithstanding any other
 12 provision to the contrary, and prior to the
 13 appropriation of moneys from the rebuild Iowa
 14 infrastructure fund pursuant to paragraph "c", and
 15 section 8.57A, subsection 4, moneys shall first be

16 appropriated from the rebuild Iowa infrastructure fund
17 to the vertical infrastructure fund as provided in
18 section 8.57B, subsection 4.

19 Sec. __. NEW SECTION. 8.57B VERTICAL
20 INFRASTRUCTURE FUND.

21 1. A vertical infrastructure fund is created under
22 the authority of the department of management. The
23 fund shall consist of appropriations made to the fund
24 and transfers of interest, earnings, and moneys from
25 other funds as provided by law. The fund shall be
26 separate from the general fund of the state and the
27 balance in the fund shall not be considered part of
28 the balance of the general fund of the state.

29 However, the fund shall be considered a special
30 account for the purposes of section 8.53, relating to
31 generally accepted accounting principles.

32 2. Notwithstanding section 12C.7, subsection 2,
33 interest or earnings on moneys in the vertical
34 infrastructure fund shall be credited to the rebuild
35 Iowa infrastructure fund.

36 3. Moneys in the fund in a fiscal year shall be
37 used as appropriated by the general assembly for
38 public vertical infrastructure projects. For the
39 purposes of this section, "vertical infrastructure"
40 includes only land acquisition and construction, major
41 renovation, and major repair of buildings, all
42 appurtenant structures, utilities, and site
43 development. "Vertical infrastructure" does not
44 include routine, recurring maintenance, debt service,
45 or operational expenses or leasing of a building,
46 appurtenant structure, or utility without a lease-
47 purchase agreement.

48 4. There is appropriated from the rebuild Iowa
49 infrastructure fund to the vertical infrastructure
50 fund, the following:

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1 a. For the fiscal year beginning July 1, 2005, and
2 ending June 30, 2006, the sum of fifteen million
3 dollars.

4 b. For the fiscal year beginning July 1, 2006, and
5 ending June 30, 2007, the sum of fifty million
6 dollars.

7 c. For the fiscal year beginning July 1, 2007, and
8 ending June 30, 2008, the sum of seventy-five million
9 dollars.

10 d. For the fiscal year beginning July 1, 2008, and
11 each fiscal year thereafter, the sum of one hundred
12 million dollars.

13 Sec. __. Section 8D.13, subsection 12, Code
14 Supplement 2003, is amended to read as follows:

15 12. The commission, on its own or as recommended
16 by an advisory committee of the commission and
17 approved by the commission, shall permit a fee to be
18 charged by a receiving site to the originator of the
19 communication provided on the network. The fee
20 charged shall be for the purpose of recovering the
21 operating costs of a receiving site. The fee charged
22 shall be reduced by an amount received by the
23 receiving site pursuant to a state appropriation for
24 such costs, or federal assistance received for such
25 costs. Fees established under this subsection shall
26 be paid by the originator of the communication
27 directly to the receiving site. In the event that an
28 entity requests a receiving site location in a video
29 classroom facility which is authorized by, but not
30 funded by, the originator of the communication, the
31 requesting entity shall be directly billed by the
32 video classroom facility for operating costs relating
33 to the communication. For purposes of this section,
34 "operating costs" include the costs associated with
35 the management or coordination, operations, utilities,
36 classroom, equipment, maintenance, and other costs
37 directly related to providing the receiving site.

38 Sec. ____ Section 15E.208, subsection 3, paragraph
39 b, subparagraph (2), Code Supplement 2003, is amended
40 by adding the following new subparagraph subdivisions:
41 NEW SUBPARAGRAPH SUBDIVISION. (c) Notwithstanding
42 any provision of this division to the contrary,
43 payments on the principal balance of the loan granted
44 by the corporation to an eligible person and assigned
45 to the department pursuant to this subparagraph during
46 calendar year 2003 shall be deferred until October 1,
47 2007. The eligible person shall make principal
48 payments to the department in the amount of one
49 million dollars for each year on October 1, 2007,
50 October 1, 2008, and October 1, 2009. The eligible

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1 person shall pay the department four hundred eighty-
2 two thousand seven hundred sixty-one dollars in
3 interest, which shall be deemed to be the total amount
4 of interest accruing on the principal amount of the
5 loan. The eligible person shall pay the interest
6 amount on October 1, 2010. Upon the payment of the
7 principal balance of the loan and the accrued
8 interest, the debt shall be retired.

9 NEW SUBPARAGRAPH SUBDIVISION. (d) Notwithstanding
10 any provision of this division to the contrary, the
11 corporation shall repay the department the principal
12 balance of the Iowa agricultural industry finance loan
13 beginning on October 1, 2007. The principal balance

14 of the loan equals twenty-one million five hundred
15 seventeen thousand two hundred thirty-nine dollars.
16 The corporation shall repay the department five
17 hundred seventeen thousand two hundred thirty-nine
18 dollars by October 1, 2007, and for each subsequent
19 year the corporation shall repay the department at
20 least one million dollars by October 1 until the total
21 principal balance of the loan is repaid. This
22 subparagraph subdivision shall not be construed to
23 limit the department's authority to negotiate the
24 payment of interest accruing on the principal balance
25 which shall be paid to the department as provided by
26 an agreement executed by the department and the
27 corporation.

28 Sec. ____. Section 28M.1, if enacted by 2004 Iowa
29 Acts, Senate File 2284, section 1, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 3. "Transportation" means the
32 movement of individuals in a four or more wheeled
33 motorized vehicle designed to carry passengers,
34 including a car, van, or bus, or the carrying of
35 individuals upon cars operated upon stationary rails,
36 between one geographic point and another geographic
37 point. "Transportation" does not include emergency or
38 incidental transportation or transportation conducted
39 by the department of human services at its
40 institutions.

41 Sec. ____. Section 28M.2, subsections 1 and 3, if
42 enacted by 2004 Iowa Acts, Senate File 2284, section
43 2, are amended to read as follows:

44 1. A county with a population in excess of ~~three~~
45 one hundred seventy-five thousand and participating
46 cities may create, by chapter 28E agreement, a
47 regional transit district in the county pursuant to
48 this chapter. Two or more contiguous counties and
49 participating cities may create, by chapter 28E
50 agreement, a regional transit district pursuant to

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1 this chapter if one of the counties has a population
2 in excess of ~~three one~~ one hundred seventy-five thousand.
3 A district shall consist of the unincorporated area of
4 any participating county and the incorporated area of
5 any city in the county that does not have an urban
6 transit system. However, a city without an urban
7 transit system may decline, by resolution forwarded to
8 the board of supervisors, to participate in a regional
9 transit district.

10 3. A city that is located in a nonparticipating
11 county that is contiguous to a county with a
12 population in excess of ~~three one~~ one hundred seventy-five

13 thousand that is creating a regional transit district
 14 may notify that county, by resolution forwarded to the
 15 board of supervisors of that county, that the city
 16 wishes to participate.

17 Sec. ____ Section 28M.5, subsection 1, unnumbered
 18 paragraph 2, if enacted by 2004 Iowa Acts, Senate File
 19 2284, section 5, is amended to read as follows:

20 The amount of the regional transit district levy
 21 that is the responsibility of a participating county
 22 shall be deducted from the maximum rates of taxes
 23 authorized to be levied by the county pursuant to
 24 section 331.423, subsections 1 and 2, as applicable.
 25 However, for a regional transit district that includes
 26 a county with a population of less than three hundred
 27 thousand, the amount of the regional transit district
 28 levy that is the responsibility of a participating
 29 county shall be deducted from the maximum rate of
 30 taxes authorized to be levied by the county pursuant
 31 to section 331.423, subsection 1.

32 Sec. ____ Section 99F.7, subsection 13, Code 2003,
 33 as amended by 2004 Iowa Acts, House File 2302, if
 34 enacted, is amended to read as follows:

35 13. ~~An~~ When applicable, an excursion gambling boat
 36 operated on inland waters of this state or an
 37 excursion boat that has been removed from navigation
 38 and is designated as a permanently moored vessel by
 39 the United States coast guard shall be subject to the
 40 exclusive jurisdiction of the department of natural
 41 resources and meet all of the requirements of chapter
 42 462A and is further subject to an inspection of its
 43 sanitary facilities to protect the environment and
 44 water quality before a certificate of registration is
 45 issued by the department of natural resources or a
 46 license is issued or renewed under this chapter.

47 Sec. ____ Section 165B.5, subsection 3, if enacted
 48 by 2004 Iowa Acts, House File 2476, section 6, is
 49 amended to read as follows:

50 3. a. A person who owns or operates a restricted

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1 concentration point is subject to a civil penalty of
 2 ~~not less than~~ five thousand dollars for the first
 3 violation and ~~not less than~~ twenty-five thousand
 4 dollars for each subsequent violation. Each day that
 5 a violation continues constitutes a separate
 6 violation.

7 b. A person who has a legal interest in infected
 8 poultry or has custody of infected poultry which are
 9 located at a restricted concentration point is subject
 10 to a civil penalty of ~~not less than~~ five thousand
 11 dollars for the first violation and ~~not less than~~

12 twenty-five thousand dollars for each subsequent
 13 violation. Each day that a violation continues
 14 constitutes a separate violation.

15 c. A person who transports poultry to or from a
 16 restricted concentration point is subject to a civil
 17 penalty of ~~not less than~~ one thousand dollars for the
 18 first violation and ~~not less than~~ five thousand
 19 dollars for each subsequent violation. Each day that
 20 a violation continues constitutes a separate
 21 violation.

22 d. A person who purchases, offers to purchase,
 23 barterers, or offers to barter for poultry at a
 24 restricted concentration point is subject to a civil
 25 penalty of ~~not less than~~ one hundred dollars for the
 26 first violation and ~~not less than~~ one thousand dollars
 27 for each subsequent violation. Each day that a
 28 violation continues constitutes a separate violation.

29 e. A person who charges admission for entry into a
 30 restricted concentration point where a contest occurs
 31 or otherwise holds, advertises, or conducts the
 32 contest is subject to a civil penalty of ~~not less than~~
 33 one thousand dollars for the first violation and ~~not~~
 34 ~~less than~~ five thousand dollars for each subsequent
 35 violation. Each day that a violation continues
 36 constitutes a separate violation.

37 f. A person who attends or participates in a
 38 contest at a restricted concentration point where a
 39 contest occurs is subject to a civil penalty of ~~not~~
 40 ~~less than~~ one hundred dollars for the first violation
 41 and ~~not less than~~ one thousand dollars for each
 42 subsequent violation. Each day that a violation
 43 continues constitutes a separate violation.

44 Sec. ____ Section 260C.18A, subsection 3, Code
 45 Supplement 2003, is amended to read as follows:

46 3. Of the moneys appropriated in this section, for
 47 the fiscal period beginning July 1, 2003, and ending
 48 June 30, ~~2006~~ 2007, the following amounts shall be
 49 designated for the purposes of funding job retention
 50 projects under section 260F.9:

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1 a. One million dollars for the fiscal year
 2 beginning July 1, 2003.

3 b. One million dollars for the fiscal year
 4 beginning July 1, 2004.

5 c. One million dollars for the fiscal year
 6 beginning July 1, 2005.

7 d. One million dollars for the fiscal year
 8 beginning July 1, 2006. However, this paragraph only
 9 applies if moneys allocated under paragraph "a" were
 10 distributed to community colleges as provided under

11 subsection 8.

12 Sec. ____ Section 260C.18A, Code Supplement 2003,
13 is amended by adding the following new subsection:
14 NEW SUBSECTION. 8. If moneys allocated under
15 subsection 3, paragraph “a”, are unobligated and
16 unencumbered on June 30, 2004, those moneys shall be
17 distributed to community colleges in accordance with
18 subsection 5 for the fiscal year beginning July 1,
19 2004, and ending June 30, 2005.

20 Sec. ____ Section 306.46, as enacted by 2004 Iowa
21 Acts, Senate File 2118, section 1, is amended by
22 adding the following new subsection:

23 NEW SUBSECTION. 3. This section shall not impair
24 or interfere with a city’s authority to grant, amend,
25 extend, or renew a franchise as provided in section
26 364.2, and shall not impair or interfere with a city’s
27 existing general police powers to control the use of
28 its right-of-way.

29 Sec. ____ Section 321.34, subsection 11,
30 paragraphs c and d, Code Supplement 2003, are amended
31 to read as follows:

32 c. The special natural resources fee for letter
33 number designated natural resources plates is ~~thirty-~~
34 ~~five~~ forty-five dollars. The fee for personalized
35 natural resources plates is forty-five dollars which
36 shall be paid in addition to the special natural
37 resources fee of ~~thirty-five~~ forty-five dollars. The
38 fees collected by the director under this subsection
39 shall be paid monthly to the treasurer of state and
40 credited to the road use tax fund. Notwithstanding
41 section 423.24, and prior to the crediting of revenues
42 to the road use tax fund under section 423.24,
43 subsection 1, paragraph “b”, the treasurer of state
44 shall credit monthly from those revenues to the Iowa
45 resources enhancement and protection fund created
46 pursuant to section 455A.18, the amount of the special
47 natural resources fees collected in the previous month
48 for the natural resources plates.

49 From the moneys credited to the Iowa resources
50 enhancement and protection fund under this paragraph

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1 “c”, ten dollars of the fee collected for each natural
2 resources plate issued, and fifteen dollars from each
3 renewal fee, shall be allocated to the department of
4 natural resources wildlife bureau to be used for
5 nongame wildlife programs.

6 d. Upon receipt of the special registration
7 plates, the applicant shall surrender the current
8 registration receipt and plates to the county
9 treasurer. The county treasurer shall validate the

10 special registration plates in the same manner as
 11 regular registration plates are validated under this
 12 section. The annual special natural resources fee for
 13 letter number designated plates is ~~ten~~ twenty-five
 14 dollars which shall be paid in addition to the regular
 15 annual registration fee. The annual fee for
 16 personalized natural resources plates is five dollars
 17 which shall be paid in addition to the annual special
 18 natural resources fee and the regular annual
 19 registration fee. The annual special natural
 20 resources fee shall be credited as provided under
 21 paragraph "c".

22 Sec. __. NEW SECTION. 327F.38 FIRST AID AND
 23 MEDICAL TREATMENT FOR EMPLOYEES.

24 The department shall adopt rules requiring railroad
 25 corporations within the state to provide reasonable
 26 and adequate access to first aid and medical treatment
 27 for employees injured in the course of employment. A
 28 railroad corporation found guilty of a rule adopted
 29 pursuant to this section shall, upon conviction, be
 30 subject to a schedule "one" penalty.

31 Sec. __. Section 331.362, subsection 5, Code
 32 Supplement 2003, is amended to read as follows:
 33 5. The Notwithstanding any provision of law to the
 34 contrary, the board may enter into agreements with the
 35 department of transportation as provided in section
 36 313.2, including but not limited to agreements for the
 37 disposition of county property in accordance with
 38 section 331.361, subsection 2.

39 Sec. __. Section 422.11J, subsection 5, paragraph
 40 a, if enacted by 2004 Iowa Acts, Senate File 2295, is
 41 amended to read as follows:

42 a. "Disabled student" means a child requiring
 43 special education, as defined in section 256B.2,
 44 subsection 1, or a student with disabilities who
 45 qualifies for educational services under section 504
 46 of the federal Rehabilitation Act of 1973, as amended
 47 and codified in 29 U.S.C. § 794.

48 Sec. __. 2004 Iowa Acts, Senate File 2257,
 49 section 1, subsection 10, if enacted, is amended to
 50 read as follows:

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1 10. APPLICABILITY DATE. This section applies to
 2 personal insurance contracts or policies delivered,
 3 issued for delivery, continued, or renewed in this
 4 state on or after ~~April 1, 2005~~ October 1, 2004.

5 Sec. __. 2003 Iowa Acts, chapter 145, section
 6 290, subsection 2, paragraph c, is amended to read as
 7 follows:

8 c. By ~~September~~ December 1, 2004, the department

9 of administrative services, with the assistance of the
 10 department of management, shall conduct a
 11 comprehensive study of the impact of transferring all
 12 state agency employees delivering information
 13 technology services to the department of
 14 administrative services and of the impact of
 15 physically merging the data centers of the department,
 16 the state department of transportation, and the
 17 department of workforce development, into one data
 18 center. The study shall include an assessment of
 19 advantages and disadvantages, economies of scale,
 20 cost, and space availability, and shall solicit input
 21 from outside vendors, both public and private. The
 22 department shall report to the legislative ~~fiscal~~
 23 ~~bureau services agency~~ and the committees on
 24 government oversight of the senate and house of
 25 representatives on the department's findings and
 26 recommendations by ~~November 1, December 15, 2004.~~
 27 Sec. ____. 2004 Iowa Acts, House File 2562, section
 28 11, subsection 1, if enacted, is amended to read as
 29 follows:

30 1. This Act, except for the provision of this Act
 31 enacting section 99B.10, subsection 5B, being deemed
 32 of immediate importance, takes effect upon enactment.
 33 Sec. ____. MENTAL HEALTH INSTITUTE AT CHEROKEE. If
 34 building space located at the state mental health
 35 institute at Cherokee being used by an organization
 36 other than the state will be vacated by the
 37 organization, the department of human services shall
 38 reserve the space to be available for the purposes
 39 described in this section. The department shall
 40 develop a plan for using vacant building space at the
 41 institute for a program to address the treatment needs
 42 of persons with a developmental disability who exhibit
 43 sexually violent behavior and are residents at state
 44 resource centers or other residential settings.
 45 Sec. ____. EFFECTIVE DATE. The sections of this
 46 division of this Act amending section 260C.18A, Code
 47 Supplement 2003, being deemed of immediate importance,
 48 take effect upon enactment.
 49 Sec. ____. EFFECTIVE DATE. The section of this
 50 division of this Act amending section 306.46, being

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1 deemed of immediate importance, takes effect upon
 2 enactment.
 3 Sec. ____. REAP PLATES — EFFECTIVE DATE. The
 4 section of this division of this Act amending section
 5 321.34, subsection 11, paragraphs “c” and “d”, takes
 6 effect January 1, 2005.
 7 DIVISION ____

8 CORRECTIVE PROVISIONS

9 Sec. ____ Section 9E.6A, unnumbered paragraph 1,
10 Code 2003, as amended by 2004 Iowa Acts, House File
11 2516, section 1, if enacted, is amended to read as
12 follows:

13 Each person performing a notarial act pursuant to
14 section 9E.10 must acquire and use a stamp or seal as
15 provided in this chapter. However, this section shall
16 not apply to a notarial act performed by a judicial
17 officer as defined in section 602.1101, if the
18 notarial act is performed in accordance with state or
19 federal statutory authority, ~~or is and shall not apply~~
20 to a certification by a chief officer or a chief
21 officer's designee of a peace officer's verification
22 of a uniform citation and complaint pursuant to
23 section 805.6, subsection 5.

24 Sec. ____ Section 9H.1, subsection 17, Code
25 Supplement 2003, is amended to read as follows:

26 17. "Limited partnership" means a limited
27 partnership as defined in section 487.101, subsection
28 ~~7, and or 488.102, or~~ a limited liability limited
29 partnership under section 487.1301 ~~or chapter 488,~~
30 which owns or leases agricultural land or is engaged
31 in farming.

32 Sec. ____ Section 9H.1, subsection 17, Code
33 Supplement 2003, as amended by this division of this
34 Act to take effect January 1, 2005, is amended to read
35 as follows:

36 17. "Limited partnership" means a limited
37 partnership as defined in section ~~487.101 or~~ 488.102,
38 or a limited liability limited partnership under
39 ~~section 487.1301 or~~ chapter 488, which owns or leases
40 agricultural land or is engaged in farming.

41 Sec. ____ Section 10B.1, subsection 8, Code
42 Supplement 2003, is amended to read as follows:

43 8. "Limited partnership" means a foreign or
44 domestic limited partnership, including a limited
45 partnership as defined in section 487.101, ~~subsection~~
46 ~~7 or 488.102,~~ and a domestic or foreign limited
47 liability limited partnership under section 487.1301
48 or 487.1303, or chapter 488.

49 Sec. ____ Section 10B.1, subsection 8, Code
50 Supplement 2003, as amended by this division of this

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1 Act to take effect January 1, 2005, is amended to read
2 as follows:

3 8. "Limited partnership" means a foreign or
4 domestic limited partnership, including a limited
5 partnership as defined in section ~~487.101 or~~ 488.102,
6 and a domestic or foreign limited liability limited

7 partnership under ~~section 487.1301 or 487.1303, or~~
 8 chapter 488.

9 Sec. ____ Section 34A.7A, subsection 2, paragraph
 10 f, if enacted by 2004 Iowa Acts, House File 2434, is
 11 amended by striking the paragraph and inserting in
 12 lieu thereof the following:

13 f. (1) The program manager shall allocate an
 14 amount up to one hundred twenty-seven thousand dollars
 15 per calendar quarter equally to the joint E911 service
 16 boards and the department of public safety that have
 17 submitted an annual written request to the program
 18 manager in a form approved by the program manager by
 19 May 15 of each year.

20 (2) Upon retirement of outstanding obligations
 21 referred to in paragraph “e”, the amount allocated
 22 under this paragraph “f” shall be an amount up to four
 23 hundred thousand dollars per calendar quarter
 24 allocated as follows:

25 (a) Sixty-five percent of the total dollars
 26 available for allocation shall be allocated in
 27 proportion to the square miles of the service area to
 28 the total square miles in this state.

29 (b) Thirty-five percent of the total dollars
 30 available for allocation shall be allocated in
 31 proportion to the wireless E911 calls taken at the
 32 public safety answering point in the service area to
 33 the total number of wireless E911 calls originating in
 34 this state.

35 (c) Notwithstanding subparagraph subdivisions (a)
 36 and (b), the minimum amount allocated to each joint
 37 E911 service board and to the department of public
 38 safety shall be no less than one thousand dollars for
 39 each public safety answering point within the service
 40 area of the department of public safety or joint E911
 41 service board.

42 (3) The funds allocated in this paragraph “f”
 43 shall be used for communication equipment located
 44 inside the public safety answering points for the
 45 implementation and maintenance of wireless E911 phase
 46 2. The joint E911 service boards and the department
 47 of public safety shall provide an estimate of phase 2
 48 implementation costs to the program manager by January
 49 1, 2005.

50 Sec. ____ Section 48A.11, subsection 1, paragraph

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1 e, Code 2003, as amended by 2004 Iowa Acts, Senate
 2 File 2269, section 8, if enacted, is amended to read
 3 as follows:

4 e. Iowa driver’s license number if the registrant
 5 has a current and valid Iowa driver’s license, Iowa

6 nonoperator's identification card if the registrant
7 has a current and valid Iowa nonoperator's
8 identification card, or the last four numerals of the
9 registrant's social security number. If the
10 registrant does not have an Iowa driver's license
11 number, an Iowa nonoperator's identification card
12 number, or a social security number, the form shall
13 provide space for a number to be assigned as provided
14 in subsection 7.

15 Sec. ____ Section 48A.25A, unnumbered paragraph 1,
16 if enacted by 2004 Iowa Acts, Senate File 2269,
17 section 13, is amended to read as follows:

18 Upon receipt of an application for voter
19 registration by mail, the state registrar of voters
20 shall compare the driver's license number, the Iowa
21 nonoperator's identification card number, or the last
22 four numerals of the social security number provided
23 by the registrant with the records of the state
24 department of transportation. To be verified, the
25 voter registration record shall contain the same name,
26 date of birth, and driver's license number or Iowa
27 nonoperator's identification card number or whole or
28 partial social security number as the records of the
29 department of transportation. If the information
30 cannot be verified, the application shall be rejected
31 and the registrant shall be notified of the reason for
32 the rejection. If the information can be verified, a
33 record shall be made of the verification and the
34 application shall be accepted.

35 Sec. ____ Section 48A.37, subsection 2, Code 2003,
36 as amended by 2004 Iowa Acts, Senate File 2269,
37 section 18, if enacted, is amended to read as follows:

38 2. Electronic records shall include a status code
39 designating whether the records are active, inactive,
40 local, or pending. Inactive records are records of
41 registered voters to whom notices have been sent
42 pursuant to section 48A.28, subsection 3, and who have
43 not returned the card or otherwise responded to the
44 notice, and those records have been designated
45 inactive pursuant to section 48A.29. Local records
46 are records of applicants who did not answer either
47 "yes" or "no" to the question in section 48A.11,
48 subsection 2A, paragraph "a". Pending records are
49 records of applicants whose applications have not been
50 verified pursuant to section 48A.25A. All other

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1 records are active records. An inactive record shall
2 be made active when the registered voter votes at an
3 election, registers again, or reports a change of
4 name, address, telephone number, or political party

5 affiliation. A pending record shall be made active
6 upon verification. A local record shall be valid for
7 any election for which no candidates for federal
8 office appear on the ballot, ~~but the~~ A registrant
9 ~~may with only a local record shall~~ not vote in a
10 federal election unless the registrant submits a new
11 voter registration application before election day
12 indicating that the applicant is a citizen of the
13 United States.

14 Sec. ____ Section 49.81, subsection 2, unnumbered
15 paragraph 3, if enacted by 2004 Iowa Acts, Senate File
16 2269, section 20, is amended to read as follows:

17 You must show identification before your ballot can
18 be counted. Please bring or mail a copy of a current
19 and valid photo identification card to the county
20 ~~commissioner's~~ commissioner's office or bring or mail a
21 copy of one of the following current documents that
22 show your name and address:

23 Sec. ____ Section 52.7, unnumbered paragraph 4,
24 Code 2003, as amended by 2004 Iowa Acts, Senate File
25 2269, section 27, if enacted, is amended to read as
26 follows:

27 Such machine shall be so constructed as to
28 accurately account for every vote cast upon it. The
29 machine shall be so constructed as to remove
30 information from the ballot identifying the voter
31 before the ballot is recorded and counted. If the
32 machine is a direct ~~electronic~~ recording electronic
33 device, the machine shall be so constructed as to
34 store each ballot cast separate from the ballot
35 tabulation function, which ballot may be reproduced on
36 paper in the case of a recount, manual audit, or
37 machine malfunction.

38 Sec. ____ Section 53.3, subsection 7, if enacted
39 by 2004 Iowa Acts, Senate File 2269, section 30, is
40 amended to read as follows:

41 7. A statement that an absentee ballot will ~~by~~ be
42 mailed to the applicant within twenty-four hours after
43 the ballot for the election is available.

44 Sec. ____ Section 53.17, subsection 1, paragraph
45 a, if enacted by 2004 Iowa Acts, Senate File 2269,
46 section 33, is amended to read as follows:

47 a. The sealed carrier envelope may be delivered by
48 the registered voter, by the special precinct election
49 officials designated pursuant to section 53.22,
50 subsection 1, or by the voter's designee if the

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1 absentee ballot is voted by a voter described in
2 section 53.22, subsection 5, to the commissioner's
3 office no later than the time the polls are closed on

4 election day, ~~except as otherwise provided in~~
5 ~~subsection 4.~~

6 Sec. ____ Section 53.17, subsection 4, paragraph
7 d, subparagraph (2), if enacted by 2004 Iowa Acts,
8 Senate File 2269, section 33, is amended to read as
9 follows:

10 (2) The date and time the ~~voted~~ completed absentee
11 ballot was received from the voter.

12 Sec. ____ Section 68A.402, subsection 7, paragraph
13 b, as amended by 2004 Iowa Acts, House File 2319,
14 section 1, if enacted, is amended to read as follows:

15 b. COUNTY ELECTIONS. A political committee
16 expressly advocating the nomination, election, or
17 defeat of candidates for county office shall file
18 reports on the same dates as a candidate's committee
19 is required to file reports under subsection 2,
20 paragraph "a" and subsection 5, paragraph "b".

21 Sec. ____ Section 68A.503, subsection 4,
22 unnumbered paragraph 1, as amended by 2004 Iowa Acts,
23 House File 2318, section 7, if enacted, is amended to
24 read as follows:

25 The prohibitions in ~~sections~~ subsections 1 and 2
26 shall not apply to an insurance company, savings and
27 loan association, bank, credit union, or corporation
28 engaged in any of the following activities:

29 Sec. ____ Section 99B.11, subsection 2, paragraph
30 c, Code 2003, as amended by 2004 Iowa Acts, Senate
31 File 2249, section 1, is amended to read as follows:

32 c. Contests or exhibitions of cooking,
33 horticulture, livestock, poultry, fish or other
34 animals, artwork, hobbywork or craftwork, except those
35 prohibited by chapter 717A ~~or section 725.11.~~

36 Sec. ____ Section 174.1, subsection 0B, paragraph
37 a, as enacted by House File 2403, section 8, is
38 amended to read as follows:

39 a. The organization owns or leases at least ten
40 acres of fairgrounds. ~~A society~~ An organization may
41 meet the requirement of owning or leasing land,
42 buildings, and improvements through ownership by a
43 joint entity under chapter 28E.

44 Sec. ____ Section 174.12, subsection 2, unnumbered
45 paragraph 1, Code 2003, as amended by 2004 Iowa Acts,
46 House File 2403, section 16, is amended to read as
47 follows:

48 A district director of the association representing
49 the district in which the county is located, and the
50 director of the Iowa state fair board representing the

- 1 state fair board district in which the county is
- 2 located, certify to the association that the fair had

3 an accredited delegate in attendance at at least one
4 of the district meetings, and at the association's
5 annual meeting.

6 Sec. ____ Section 229.27, subsection 1, Code 2003,
7 is amended to read as follows:

8 1. Hospitalization of a person under this chapter,
9 either voluntarily or involuntarily, does not
10 constitute a finding of nor equate with nor raise a
11 presumption of incompetency, nor cause the person so
12 hospitalized to be deemed a person of unsound mind nor
13 a person under legal disability for any purpose,
14 including but not limited to any circumstances to
15 which sections 6B.15, 447.7, 487.402, subsection 5,
16 paragraph "b", section 488.603, subsection 6,
17 paragraph "c", sections 487.705, 488.704, 597.6,
18 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
19 633.244 are applicable.

20 Sec. ____ Section 229.27, subsection 1, Code 2003,
21 as amended by this division of this Act to take effect
22 January 1, 2005, is amended to read as follows:

23 1. Hospitalization of a person under this chapter,
24 either voluntarily or involuntarily, does not
25 constitute a finding of nor equate with nor raise a
26 presumption of incompetency, nor cause the person so
27 hospitalized to be deemed a person of unsound mind nor
28 a person under legal disability for any purpose,
29 including but not limited to any circumstances to
30 which sections 6B.15, 447.7, ~~487.402, subsection 5,~~
31 ~~paragraph "b",~~ section 488.603, subsection 6,
32 paragraph "c", sections 487.705, 488.704, 597.6,
33 600B.21, 614.8, 614.19, 614.22, 614.24, 614.27, and
34 633.244 are applicable.

35 Sec. ____ Section 260C.18A, subsection 2,
36 unnumbered paragraph 1, Code Supplement 2003, is
37 amended to read as follows:

38 On July 1 of each year for the fiscal year
39 beginning July 1, 2003, and for every fiscal year
40 thereafter, moneys from the grow Iowa values fund
41 created in section 15G.108 are appropriated to the
42 department of economic development for deposit in the
43 workforce training and economic development funds in
44 amounts determined pursuant to subsection ~~3~~ 4. Moneys
45 deposited in the funds and disbursed to community
46 colleges for a fiscal year shall be expended for the
47 following purposes, provided seventy percent of the
48 moneys shall be used on projects in the areas of
49 advanced manufacturing, information technology and
50 insurance, and life sciences which include the areas

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1 of biotechnology, health care technology, and nursing
2 care technology:
3 Sec. ____ Section 321I.10, if enacted by 2004 Iowa
4 Acts, Senate File 297, section 53, is amended by
5 adding the following new subsection:
6 NEW SUBSECTION. 2A. Cities may designate streets
7 under the jurisdiction of cities within their
8 respective corporate limits which may be used for the
9 sport of driving all-terrain vehicles.
10 Sec. ____ Section 331.606B, subsection 4,
11 paragraph a, if enacted by 2004 Iowa Acts, Senate File
12 371, section 3, is amended to read as follows:
13 a. A document or instrument that was signed before
14 July 1, ~~2004~~ 2005.
15 Sec. ____ Section 488.102, subsection 10,
16 paragraph a, subparagraph (2), as enacted by 2004 Iowa
17 Acts, House File 2347, section 2, is amended to read
18 as follows:
19 (2) A person that was a general partner in a
20 limited partnership when the limited partnership
21 became subject to this chapter under section ~~488.1206~~
22 488.1204, subsection 1 or 2.
23 Sec. ____ Section 488.102, subsection 12,
24 paragraph a, subparagraph (2), as enacted by 2004 Iowa
25 Acts, House File 2347, section 2, is amended to read
26 as follows:
27 (2) A person that was a limited partner in a
28 limited partnership when the limited partnership
29 became subject to this chapter under section ~~488.1206~~
30 488.1204, subsection 1 or 2.
31 Sec. ____ Section 488.102, subsection 13, as
32 enacted by 2004 Iowa Acts, House File 2347, section 2,
33 is amended to read as follows:
34 13. "Limited partnership", except in the phrases
35 "foreign limited partnership" and "foreign limited
36 liability limited partnership", means an entity,
37 having one or more general partners and one or more
38 limited partners, which is formed under this chapter
39 by two or more persons or becomes subject to this
40 chapter under article 11 or section ~~488.1206~~ 488.1204,
41 subsection 1 or 2. The term includes a limited
42 liability limited partnership.
43 Sec. ____ Section 488.202, subsection 3,
44 unnumbered paragraph 1, as enacted by 2004 Iowa Acts,
45 House File 2347, section 20, is amended to read as
46 follows:
47 A general partner that knows that any information
48 in a filed certificate of limited partnership was
49 false when the certificate was filed or has become
50 false due to changed circumstances shall promptly do

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1 at least one of the following:
2 Sec. ____ Section 488.209, subsection 1, paragraph
3 c, as enacted by 2004 Iowa Acts, House File 2347,
4 section 27, is amended to read as follows:
5 c. Whether all fees, taxes, and penalties under
6 this chapter or other law due ~~to~~ the secretary of
7 state have been paid.
8 Sec. ____ Section 488.209, subsection 2, paragraph
9 c, as enacted by 2004 Iowa Acts, House File 2347,
10 section 27, is amended to read as follows:
11 c. Whether all fees, taxes, and penalties under
12 this chapter or other law due ~~to~~ the secretary of
13 state have been paid.
14 Sec. ____ Section 488.508, subsection 6, as
15 enacted by 2004 Iowa Acts, House File 2347, section
16 50, is amended to read as follows:
17 6. A limited partnership's indebtedness, including
18 indebtedness issued in connection with or as part of a
19 distribution, is not considered a liability for
20 purposes of subsection 2 if the terms of the
21 indebtedness provide that payment of principal and
22 interest ~~are~~ is made only to the extent that a
23 distribution could then be made to partners under this
24 section.
25 Sec. ____ Section 488.703, subsection 1, as
26 enacted by 2004 Iowa Acts, House File 2347, section
27 61, is amended to read as follows:
28 1. On application to a court of competent
29 jurisdiction by any judgment creditor of a partner or
30 transferee, the court may charge the transferable
31 interest of the judgment debtor with payment of the
32 unsatisfied amount of the judgment with interest. To
33 the extent so charged, the judgment creditor has only
34 the rights of a transferee. The court may appoint a
35 receiver of the share of the distributions due or to
36 become due ~~to~~ the judgment debtor in respect of the
37 partnership and make all other orders, directions,
38 accounts, and inquiries the judgment debtor might have
39 made or which the circumstances of the case may
40 require to give effect to the charging order.
41 Sec. ____ Section 488.809, subsection 1, paragraph
42 a, as enacted by 2004 Iowa Acts, House File 2347,
43 section 72, is amended to read as follows:
44 a. Pay any fee, tax, or penalty under this chapter
45 or other law due ~~to~~ the secretary of state.
46 Sec. ____ Section 488.906, subsection 1, paragraph
47 a, as enacted by 2004 Iowa Acts, House File 2347,
48 section 81, is amended to read as follows:
49 a. Pay, within sixty days after the due date, any
50 fee, tax or penalty under this chapter or other law

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1 due ~~to~~ the secretary of state.
2 Sec. ____ Section 488.1106, subsection 1,
3 paragraph a, as enacted by 2004 Iowa Acts, House File
4 2347, section 94, is amended to read as follows:
5 a. The governing statute of each of the other
6 organizations authorizes the merger.
7 Sec. ____ Section 504.304, subsection 1, if
8 enacted by 2004 Iowa Acts, Senate File 2274, section
9 27, is amended to read as follows:
10 1. Except as provided in subsection 2, the
11 validity of corporate action ~~may~~ shall not be
12 challenged on the ground that the corporation lacks or
13 lacked power to act.
14 Sec. ____ Section 504.854, subsection 3, paragraph
15 b, if enacted by 2004 Iowa Acts, Senate File 2274,
16 section 104, is amended to read as follows:
17 b. By the members, but the director who, at the
18 time does not qualify as a disinterested director, ~~may~~
19 shall not vote as a member or on behalf of a member.
20 Sec. ____ Section 504.1422, subsection 3, if
21 enacted by 2004 Iowa Acts, Senate File 2274, section
22 145, is amended to read as follows:
23 3. A corporation that is administratively
24 dissolved continues its corporate existence but ~~may~~
25 shall not carry on any activities except those
26 necessary to wind up and liquidate its affairs
27 pursuant to section 504.1406 and notify its claimants
28 pursuant to sections 504.1407 and 504.1408.
29 Sec. ____ Section 614.37, Code 2003, as amended by
30 2004 Iowa Acts, House File 2450, section 8, if
31 enacted, is amended to read as follows:
32 614.37 LIMITATION STATUTES NOT EXTENDED.
33 Nothing contained in this chapter shall be
34 construed to extend the period for the bringing of an
35 action or for the doing of any other required act
36 under any statutes of limitations, nor, except as
37 herein specifically provided, to effect the operation
38 of any statutes governing the effect of the recording
39 or the failure to record any instrument affecting
40 land. It is intended that nothing contained in this
41 ~~division~~ chapter be interpreted to revive or extend
42 the period of filing a claim or bringing an action
43 that may be limited or barred by any other statute.
44 Sec. ____ Section 669.14, subsection 11,
45 unnumbered paragraph 1, Code Supplement 2003, as
46 amended by 2004 Iowa Acts, House File 2347, section
47 116, is amended to read as follows:
48 Any claim for financial loss based upon an act or
49 omission in financial regulation, including but not
50 limited to examinations, inspections, audits, or other

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1 financial oversight responsibilities, pursuant to
 2 chapters 87, 203, 203C, 203D, 421B, 486, ~~or the figure~~
 3 ~~“487”~~ 487, 488, and 490 through 553, excluding
 4 chapters 540A, 542, 542B, 543B, 543C, 543D, 544A, and
 5 544B.

6 Sec. _____. Section 709A.1, subsection 2, paragraph
 7 c, Code 2003, as amended by 2004 Iowa Acts, Senate
 8 File 2249, section 2, is amended to read as follows:

9 c. Any premises the use of which constitutes a
 10 violation of chapter 717A, or section 725.5, or
 11 ~~725.10, or 725.11.~~

12 Sec. _____. Section 714.26, subsection 1, paragraph
 13 c, if enacted by 2004 Iowa Acts, House File 2395, is
 14 amended to read as follows:

15 c. “Retail value” means the highest value of an
 16 item determined by any reasonable standard at the time
 17 the item bearing or identified by a counterfeit mark
 18 is seized. If a seized item bearing or identified by
 19 a counterfeit mark is a component of a finished
 20 product, “retail value” also means the highest value,
 21 determined by any reasonable standard, of the finished
 22 product on which the component would have been
 23 utilized. The retail value shall be the retail value
 24 of the aggregate quantity of all items seized which
 25 bear or are identified by a counterfeit mark. For
 26 purposes of this paragraph, reasonable standard
 27 includes but is not limited ~~the~~ to the market value
 28 within the community, actual value, replacement value,
 29 or the counterfeiter’s regular selling price for the
 30 item bearing or identified by a counterfeit mark, or
 31 the intellectual property owner’s regular selling
 32 price for an item similar to the item bearing or
 33 identified by a counterfeit mark.

34 Sec. _____. Section 717E.1, subsection 3, paragraph
 35 a, if enacted by 2004 Iowa Acts, House File 2480,
 36 section 1, is amended to read as follows:

37 a. The annual fair and exposition held by the Iowa
 38 state fair board pursuant to chapter 173 or any fair
 39 ~~held event conducted~~ by a ~~county or district fair or~~
 40 ~~agricultural society~~ under the provisions of chapter
 41 174.

42 Sec. _____. Section 812.6, subsection 2, unnumbered
 43 paragraph 1, if enacted by 2004 Iowa Acts, Senate File
 44 2272, section 8, is amended to read as follows:

45 If the court finds by clear and convincing evidence
 46 that the defendant poses a danger to the public peace
 47 or safety, or that the defendant is otherwise not
 48 qualified for pretrial release, or the defendant
 49 refuses to cooperate with treatment, the court shall
 50 commit the defendant to an appropriate inpatient

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1 treatment facility as provided in ~~paragraphs~~ paragraph
2 “a” ~~and or~~ “b”. The defendant shall receive mental
3 health treatment designed to restore the defendant to
4 competency.

5 Sec. ____ Sections 7D.15, 10D.1, 15.114, 15.221,
6 15E.64, 18A.11, 84A.1C, 225C.13, 303.3, 331.441,
7 357A.2, 357A.11, 357A.20, 357A.21, 357A.22A, 357A.23,
8 357A.24, 425.11, 476.1, 476.27, 480.3, 499.5, 499.5A,
9 500.3, 504C.1, 514.19, 514.23, and 515.1, Code 2003,
10 are amended by inserting before the figure “504A” the
11 following: “504 or”, if 2004 Iowa Acts, Senate File
12 2274 is enacted.

13 Sec. ____ Sections 9H.1, 9H.4, 10B.1, 190C.6,
14 304A.21, 331.427, 357A.15, 422.45, 490.1701, 504B.1,
15 504B.6, 513C.10, 514.1, 514.2, 514.5, 616.10, 633.63,
16 and 716.6B, Code Supplement 2003, are amended by
17 inserting before the figure “504A” the following:
18 “504 or”, if 2004 Iowa Acts, Senate File 2274 is
19 enacted.

20 Sec. ____ 2004 Iowa Acts, House File 401, section
21 1, is amended by striking the section and inserting in
22 lieu thereof the following:

23 SECTION 1. Section 404A.4, subsection 4, Code
24 Supplement 2003, is amended to read as follows:
25 4. The total amount of tax credits that may be
26 approved for a fiscal year under this chapter shall
27 not exceed two million four hundred thousand dollars.
28 For the fiscal years beginning July 1, 2005, and July
29 1, 2006, an additional five hundred thousand dollars
30 of tax credits may be approved each fiscal year for
31 purposes of projects located in cultural and
32 entertainment districts certified pursuant to section
33 303.3B. Any of the additional tax credits allocated
34 for projects located in certified cultural and
35 entertainment districts that are not approved during a
36 fiscal year may be carried over to the succeeding
37 fiscal year. ~~Tax credit certificates shall be issued~~
38 ~~on the basis of the earliest awarding~~ The department
39 of cultural affairs shall establish by rule the
40 procedures for the application, review, selection, and
41 awarding of certifications of completion ~~as provided~~
42 ~~in subsection 1.~~ The departments of economic
43 development, cultural affairs, and revenue shall each
44 adopt rules to jointly administer this subsection and
45 shall provide by rule for the method to be used to
46 determine for which fiscal year the tax credits are
47 ~~approved~~ available.

48 Sec. ____ 2004 Iowa Acts, House File 2562, section
49 10, subsection 2, if enacted, is amended to read as
50 follows:

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1 2. On and after July 1, 2005, an owner of an
2 electrical and mechanical amusement device as
3 described in subsection 1 shall not offer the device
4 for use by the public. However, the owner of a device
5 shall be permitted to sell the device to a
6 distributor, as defined in section 99B.1, as amended
7 by this Act, or to a person authorized to offer the
8 device to the public pursuant to section 99B.10,
9 subsection 4, as amended by this Act for which a class
10 "A", class "B", class "C", or class "D" liquor control
11 license ~~or class "B" or class "C" beer permit~~ has been
12 issued pursuant to chapter 123.

13 Sec. __. 2004 Iowa Acts, Senate File 2070,
14 section 35, subsection 1, is amended to read as
15 follows:

16 1. Except as provided in subsections 2 through 4
17 6, this Act takes effect January 1, 2005.

18 Sec. __. The section of 2004 Iowa Acts, House
19 File 2489, amending section 523A.502, subsection 7, is
20 repealed if 2004 Iowa Acts, House File 2269, is
21 enacted.

22 Sec. __. 2004 Iowa Acts, Senate File 2282,
23 section 1, if enacted, is amended to read as follows:

24 SECTION 1. LOESS HILLS STUDY AND REPORT. The
25 loess hills development and conservation authority, in
26 consultation with the state advisory board for
27 preserves, shall conduct a comprehensive study to
28 determine the archaeological and paleontological
29 significance and the significance of the flora and
30 fauna of the loess hills and to determine the
31 feasibility of designating land in the loess hills for
32 dedication as a state native prairie preserve and of
33 other various uses of the loess hills. ~~The natural~~
34 ~~resource commission~~ loess hills development and
35 conservation authority may accept gifts, grants,
36 bequests, and other private contributions, as well as
37 federal, state, or local funds for the purposes of
38 conducting the study. The loess hills development and
39 conservation authority and the state advisory board
40 for preserves shall file a joint report containing
41 their findings and recommendations with the
42 legislative services agency by December 15, 2006, for
43 distribution to the general assembly.

44 Sec. __. EFFECTIVE AND RETROACTIVE APPLICABILITY
45 DATES.

46 1. The sections of this division of this Act
47 amending sections 9H.1 and 10B.1, Code Supplement
48 2003, and 229.27, Code 2003, take effect January 1,
49 2005. The sections of this division of this Act
50 further amending sections 9H.1 and 10B.1, Code

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1 Supplement 2003, and 229.27, Code 2003, as amended by
2 this division of this Act to take effect January 1,
3 2005, take effect January 1, 2006.

4 2. The section of this division of this Act
5 amending section 260C.18A, being deemed of immediate
6 importance, takes effect upon enactment and applies
7 retroactively to July 1, 2003.

8 3. The section of this division of this Act
9 amending 2004 Iowa Acts, Senate File 2070, being
10 deemed of immediate importance, takes effect upon
11 enactment and applies retroactively to the date of
12 enactment of Senate File 2070.

13 DIVISION ____

14 COMMUNITY ATTRACTION AND TOURISM FUND

15 Sec. ____ Section 15F.204, subsection 3, Code
16 2003, is amended to read as follows:

17 3. The fund shall be used to provide assistance
18 only from funds, rights, and assets legally available
19 to the board in the form of grants, loans, forgivable
20 loans, and credit enhancements and financing
21 instruments under the community attraction and tourism
22 program established in section 15F.202. A project
23 with a total cost exceeding twenty million dollars may
24 receive financial assistance under the program. An
25 applicant under the community attraction and tourism
26 program shall not receive financial assistance from
27 the fund in an amount exceeding fifty percent of the
28 total cost of the project.

29 Sec. ____ Section 15F.204, Code 2003, is amended
30 by adding the following new subsection:

31 NEW SUBSECTION. 8. a. There is appropriated from
32 the rebuild Iowa infrastructure fund to the community
33 attraction and tourism fund, the following amounts:

34 (1) For the fiscal year beginning July 1, 2004,
35 and ending June 30, 2005, the sum of twelve million
36 dollars.

37 (2) For the fiscal year beginning July 1, 2005,
38 and ending June 30, 2006, the sum of five million
39 dollars.

40 (3) For the fiscal year beginning July 1, 2006,
41 and ending June 30, 2007, the sum of five million
42 dollars.

43 (4) For the fiscal year beginning July 1, 2007,
44 and ending June 30, 2008, the sum of five million
45 dollars.

46 b. There is appropriated from the franchise tax
47 revenues deposited in the general fund of the state to
48 the community attraction and tourism fund, the
49 following amounts:

50 (1) For the fiscal year beginning July 1, 2005,

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1 and ending June 30, 2006, the sum of seven million
2 dollars.

3 (2) For the fiscal year beginning July 1, 2006,
4 and ending June 30, 2007, the sum of seven million
5 dollars.

6 (3) For the fiscal year beginning July 1, 2007,
7 and ending June 30, 2008, the sum of seven million
8 dollars.

9 Notwithstanding the allocation requirements in
10 subsection 5, the board may make a multiyear
11 commitment to an applicant of up to four million
12 dollars in any one fiscal year.

13 DIVISION ____

14 REGULATORY EFFICIENCY COMMISSION

15 Sec. ____ REGULATORY EFFICIENCY COMMISSION.

16 1. A regulatory efficiency commission is
17 established for purposes of identifying unneeded
18 regulations, fines, and fees that hinder business
19 development. The commission shall also identify
20 methods for streamlining access to regulatory
21 information.

22 2. The commission shall consist of eight voting
23 members appointed by the governor and four ex officio
24 members.

25 a. The eight voting members appointed by the
26 governor are subject to the requirements of sections
27 69.16, 69.16A, and 69.19. The eight members shall
28 consist of the following:

29 (1) Two members shall be economic development
30 representatives from two different chambers of
31 commerce. One shall be from a metropolitan area with
32 more than fifty thousand people and one shall be from
33 a metropolitan area with fifty thousand people or
34 less.

35 (2) Two members representing agricultural
36 interests.

37 (3) One member representing the Iowa association
38 of business and industry.

39 (4) Two members representing commercial-based and
40 manufacturing-based businesses.

41 (5) One member representing the Iowa environmental
42 council.

43 b. The four ex officio members shall be members of
44 the general assembly. Two members shall be from the
45 senate and two members shall be from the house of
46 representatives, with not more than one member from
47 each chamber being from the same political party. The
48 two senators shall be designated by the president of
49 the senate after consultation with the majority and
50 minority leaders of the senate. The two

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1 representatives shall be designated by the speaker of
2 the house of representatives after consultation with
3 the majority and minority leaders of the house of
4 representatives. Legislative members shall serve in
5 an ex officio, nonvoting capacity.

6 3. Meetings of the commission are subject to the
7 provisions of chapter 21.

8 4. By January 10, 2005, the commission shall
9 submit a written report to the governor and the
10 general assembly. The report shall include the
11 findings and legislative recommendations of the
12 commission. The report shall be distributed by the
13 secretary of the senate and the chief clerk of the
14 house of representatives to the chairpersons and
15 members of the administrative rules review committee
16 and the economic growth committees in the senate and
17 the house of representatives.

18 DIVISION ____

19 WIND ENERGY TAX CREDITS

20 Sec. ____ NEW SECTION. 422.11J WIND ENERGY
21 PRODUCTION TAX CREDIT.

22 The taxes imposed under this division, less the
23 credits allowed under sections 422.12 and 422.12B,
24 shall be reduced by a wind energy production tax
25 credit allowed under chapter 476B.

26 Sec. ____ Section 422.33, Code Supplement 2003, is
27 amended by adding the following new subsection:

28 NEW SUBSECTION. 16. The taxes imposed under this
29 division shall be reduced by a wind energy production
30 tax credit allowed under chapter 476B.

31 Sec. ____ Section 422.60, Code Supplement 2003, is
32 amended by adding the following new subsection:

33 NEW SUBSECTION. 9. The taxes imposed under this
34 division shall be reduced by a wind energy production
35 tax credit allowed under chapter 476B.

36 Sec. ____ NEW SECTION. 432.12E WIND ENERGY
37 PRODUCTION TAX CREDIT.

38 The taxes imposed under this chapter shall be
39 reduced by a wind energy production tax credit allowed
40 under chapter 476B.

41 Sec. ____ Section 437A.6, subsection 1, paragraph
42 c, Code 2003, is amended to read as follows:

43 c. Wind energy conversion property subject to
44 section 427B.26 or eligible for a tax credit under
45 chapter 476B.

46 Sec. ____ NEW SECTION. 476B.1 DEFINITIONS.

47 For purposes of this chapter, unless the context
48 otherwise requires:

49 1. "Board" means the utilities board within the
50 utilities division of the department of commerce.

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- 1 2. "Department" means the department of revenue.
- 2 3. "Qualified electricity" means electricity
- 3 produced from wind at a qualified facility.
- 4 4. "Qualified facility" means an electrical
- 5 production facility that meets all of the following:
- 6 a. Produces electricity from wind.
- 7 b. Is located in Iowa.
- 8 c. Was originally placed in service on or after
- 9 July 1, 2004, but before July 1, 2007.

10 Sec. ____ NEW SECTION. 476B.2 GENERAL RULE.

11 The owner of a qualified facility shall, for each
12 kilowatt-hour of qualified electricity that the owner
13 sells during the ten-year period beginning on the date
14 the qualified facility was originally placed in
15 service, be allowed a wind energy production tax
16 credit to the extent provided in this chapter against
17 the tax imposed in chapter 422, divisions II, III, and
18 V, and chapter 432.

19 Sec. ____ NEW SECTION. 476B.3 CREDIT AMOUNT.

20 1. Except as limited by subsection 2, the wind
21 energy production tax credit allowed under this
22 chapter equals the product of one cent multiplied by
23 the number of kilowatt-hours of qualified electricity
24 sold by the owner during the taxable year.

25 2. a. The maximum amount of tax credit which a
26 group of qualified facilities operating as one unit
27 may receive for a taxable year equals the rate of
28 credit times thirty-two percent of the total number of
29 kilowatts of nameplate generating capacity.

30 b. However, if for the previous taxable year the
31 amount of the tax credit for the group of qualified
32 facilities operating as one unit is less than the
33 maximum amount available as provided in paragraph "a",
34 the maximum amount for the next taxable year shall be
35 increased by the amount of the previous year's unused
36 maximum credit.

37 Sec. ____ NEW SECTION. 476B.4 LIMITATIONS.

38 1. a. The wind energy production tax credit shall
39 not be allowed for any kilowatt-hour of electricity
40 produced on wind energy conversion property for which
41 the owner has claimed or otherwise received for that
42 property the benefit of special valuation under
43 section 427B.26 or section 441.21, subsection 8, or
44 the exemption from retail sales tax under section
45 422.45, subsection 48, or section 423.3, subsection
46 53, as applicable.

47 b. The disallowance of the tax credit pursuant to
48 paragraph "a" does not apply to an owner of a
49 qualified facility that owns, directly or indirectly,
50 in the aggregate, a total annual turbine nameplate

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1 capacity of all such property of less than one
2 megawatt. A qualified facility under this paragraph
3 shall not be owned by more than one person.

4 2. The wind energy production tax credit shall not
5 be allowed for any kilowatt-hour of electricity that
6 is sold to a related person. For purpose of this
7 subsection, persons shall be treated as related to
8 each other if such persons would be treated as a
9 single employer under the regulations prescribed under
10 section 52(b) of the Internal Revenue Code. In the
11 case of a corporation that is a member of an
12 affiliated group of corporations filing a consolidated
13 return, such corporation shall be treated as selling
14 electricity to an unrelated person if such electricity
15 is sold to such a person by another member of such
16 group.

17 Sec. ____ NEW SECTION. 476B.5 APPLICATION FOR
18 TAX CREDIT CERTIFICATES.

19 1. a. To be eligible to receive the wind energy
20 production tax credit, the owner must first receive
21 approval of the board of supervisors of the county in
22 which the qualified facility is located. The
23 application for approval may be submitted prior to
24 commencement of the construction of the qualified
25 facility but shall be submitted no later than the
26 close of the owner's first taxable year for which the
27 credit is to be applied for. The application must
28 contain the owner's name and address, the address of
29 the qualified facility, and the dates of the owner's
30 first and last taxable years for which the credit will
31 be applied for. Within forty-five days of the receipt
32 of the application for approval, the board of
33 supervisors shall either approve or disapprove the
34 application. After the forty-five-day limit, the
35 application is deemed to be approved.

36 b. Upon approval of the application, the owner may
37 apply for the tax credit as provided in subsection 2.
38 In addition, approval of the application is acceptance
39 by the applicant for the assessment of the qualified
40 facility for property tax purposes for a period of
41 twelve years and approval by the board of supervisors
42 for the payment of the property taxes levied on the
43 qualified property to the state. For purposes of
44 property taxation, the qualified facility shall be
45 centrally assessed and shall be exempt from any
46 replacement tax under section 437A.6 for the period
47 during which the facility is subject to property
48 taxation. The property taxes to be paid to the state
49 are those property taxes which make up the
50 consolidated tax levied on the qualified facility and

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1 which are due and payable in the twelve-year period
2 beginning with the first fiscal year beginning on or
3 after the end of the owner's first taxable year for
4 which the credit is applied for. Upon approval of the
5 application, the board of supervisors shall notify the
6 county treasurer to state on the tax statement which
7 lists the taxes on the qualified facility that the
8 amount of the property taxes shall be paid to the
9 department. Payment of the designated property taxes
10 to the department shall be in the same manner as
11 required for the payment of regular property taxes and
12 failure to pay designated property taxes to the
13 department shall be treated the same as failure to pay
14 property taxes to the county treasurer.

15 c. Once the owner of the qualified facility
16 receives approval under paragraph "a", subsequent
17 approval under paragraph "a" is not required for the
18 same qualified facility for subsequent taxable years.

19 2. To receive the wind energy production tax
20 credit, an owner of the qualified facility must submit
21 an application for a tax credit certificate to the
22 board not later than thirty days after the close of
23 the taxable year for which the credit is applied for.
24 The owner's application must contain, but need not be
25 limited to, all of the following information: the
26 owner's name, tax identification number, and address,
27 the number of kilowatt-hours of qualified electricity
28 sold by the owner during the preceding taxable year,
29 the address of the qualified facility at which the
30 qualified electricity was produced, and the
31 denomination that each tax credit certificate is to
32 carry. For the first taxable year for which the
33 credit is applied for, there shall be attached to the
34 application a notarized copy of the board of
35 supervisors' approval as required in subsection 1.

36 3. The board shall, in conjunction with the
37 department, prescribe appropriate forms, including
38 board of supervisors' approval forms, and instructions
39 to enable owners to claim the tax credit allowed under
40 this chapter. If the board prescribes these forms and
41 instructions, an owner's application for a tax credit
42 certificate shall not be valid unless made on and in
43 accordance with these forms and instructions.

44 Sec. ____ NEW SECTION. 476B.6 ISSUANCE OF TAX
45 CREDIT CERTIFICATES.

46 1. If the owner meets the criteria for eligibility
47 for the wind energy production tax credit, the board
48 shall determine the validity of the application and if
49 valid, shall approve the application for credit. Once
50 approval of the credit for a qualified facility is

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1 granted, subsequent approval is not required for the
2 same qualified facility. However, application is
3 required to be filed as provided in section 476B.5,
4 subsection 2, for purposes of the issuance of credit
5 certificates. The board shall issue one or more tax
6 credit certificates to the owner not later than thirty
7 days after the application is submitted to the board.
8 Each tax credit certificate must contain the owner's
9 name, address, and tax identification number, amount
10 of tax credits, the first taxable year the
11 certificates may be used, which shall not be for a
12 taxable year beginning prior to July 1, 2005, and the
13 expiration date of the tax credit certificate, which
14 shall be seven years from its date of issuance and any
15 other information required by the department. Once
16 issued by the board, the tax credit certificate shall
17 be binding on the board and the department and shall
18 not be modified, terminated, or rescinded. The board
19 shall notify the department and identify the qualified
20 facility for which the owner received tax credit
21 certificates that property taxes levied on the
22 qualified facility are to be paid to the department.

23 2. If the tax credit application is filed by a
24 partnership, limited liability company, S corporation,
25 estate, trust, or other reporting entity all of the
26 income of which is taxed directly to its equity
27 holders or beneficiaries, the tax credit certificate
28 may, at the election of the owner, be issued directly
29 to equity holders or beneficiaries of the owner in
30 proportion to their pro rata share of the income of
31 such entity. If the owner elects to have the tax
32 credit certificate issued directly to its equity
33 holders or beneficiaries, the owner must, in the
34 application made under section 476B.5, identify its
35 equity holders or beneficiaries, and the amount of
36 such entity's income that is allocable to each equity
37 holder or beneficiary.

38 Sec. ____ NEW SECTION. 476B.7 TRANSFER OF TAX
39 CREDIT CERTIFICATES.

40 Wind energy production tax credit certificates
41 issued under this chapter may be transferred to any
42 person or entity. Within thirty days of transfer, the
43 transferee must submit the transferred tax credit
44 certificate to the board along with a statement
45 containing the transferee's name, tax identification
46 number, and address, and the denomination that each
47 replacement tax credit certificate is to carry and any
48 other information required by the department. Within
49 thirty days of receiving the transferred tax credit
50 certificate and the transferee's statement, the board

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1 shall issue one or more replacement tax credit
2 certificates to the transferee. Each replacement
3 certificate must contain the information required
4 under section 476B.6 and must have the same effective
5 taxable year and the same expiration date that
6 appeared in the transferred tax credit certificate.
7 Tax credit certificate amounts of less than the
8 minimum amount established by rule of the board shall
9 not be transferable. A tax credit shall not be
10 claimed by a transferee under this chapter until a
11 replacement tax credit certificate identifying the
12 transferee as the proper holder has been issued.
13 The tax credit shall only be transferred once. The
14 transferee may use the amount of the tax credit
15 transferred against the taxes imposed under chapter
16 422, divisions II, III, and V, and chapter 432 for any
17 tax year the original transferor could have claimed
18 the tax credit. Any consideration received for the
19 transfer of the tax credit shall not be included as
20 income under chapter 422, divisions II, III, and V.
21 Any consideration paid for the transfer of the tax
22 credit shall not be deducted from income under chapter
23 422, divisions II, III, and V.

24 Sec. ____ NEW SECTION. 476B.8 USE OF TAX CREDIT
25 CERTIFICATES.

26 To claim a wind energy production tax credit under
27 this chapter, a taxpayer must attach one or more tax
28 credit certificates to the taxpayer's tax return. A
29 tax credit certificate shall not be used or attached
30 to a return filed for a taxable year beginning prior
31 to July 1, 2005. The tax credit certificate or
32 certificates attached to the taxpayer's tax return
33 shall be issued in the taxpayer's name, expire on or
34 after the last day of the taxable year for which the
35 taxpayer is claiming the tax credit, and show a tax
36 credit amount equal to or greater than the tax credit
37 claimed on the taxpayer's tax return. Any tax credit
38 in excess of the taxpayer's tax liability for the
39 taxable year may be credited to the taxpayer's tax
40 liability for the following seven taxable years or
41 until depleted, whichever is the earlier.

42 Sec. ____ NEW SECTION. 476B.9 REGISTRATION OF
43 TAX CREDIT CERTIFICATES.

44 The board shall, in conjunction with the
45 department, develop a system for the registration of
46 the wind energy production tax credit certificates
47 issued or transferred under this chapter and a system
48 that permits verification that any tax credit claimed
49 on a tax return is valid and that transfers of the tax
50 credit certificates are made in accordance with the

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1 requirements of this chapter. The tax credit
2 certificates issued under this chapter shall not be
3 classified as a security pursuant to chapter 502.
4 Sec. ____ EFFECTIVE AND APPLICABILITY DATES. This
5 division of this Act, being deemed of immediate
6 importance, takes effect upon enactment and applies
7 retroactively to taxable years beginning on or after
8 January 1, 2004.

9 DIVISION ____

10 LICENSED INTERPRETER FOR THE HEARING IMPAIRED

11 Sec. ____ Section 147.1, subsection 2, paragraph
12 c, Code 2003, is amended to read as follows:

13 c. "Licensed" or "certified" when applied to a
14 physician and surgeon, podiatric physician, osteopath,
15 osteopathic physician and surgeon, physician
16 assistant, psychologist or associate psychologist,
17 chiropractor, nurse, dentist, dental hygienist,
18 optometrist, speech pathologist, audiologist,
19 pharmacist, physical therapist, occupational
20 therapist, respiratory care practitioner, practitioner
21 of cosmetology arts and sciences, practitioner of
22 barbering, funeral director, dietitian, marital and
23 family therapist, mental health counselor, social
24 worker, massage therapist, athletic trainer, ~~or~~
25 acupuncturist, or interpreter for the hearing
26 impaired, means a person licensed under this subtitle.

27 Sec. ____ Section 147.1, subsection 2, paragraph
28 f, Code 2003, is amended to read as follows:

29 f. "Profession" means medicine and surgery,
30 podiatry, osteopathy, osteopathic medicine and
31 surgery, practice as a physician assistant,
32 psychology, chiropractic, nursing, dentistry, dental
33 hygiene, optometry, speech pathology, audiology,
34 pharmacy, physical therapy, occupational therapy,
35 respiratory care, cosmetology arts and sciences,
36 barbering, mortuary science, marital and family
37 therapy, mental health counseling, social work,
38 dietetics, massage therapy, athletic training, ~~or~~
39 acupuncture, or interpreting for the hearing impaired.

40 Sec. ____ Section 147.2, unnumbered paragraph 1,
41 Code 2003, is amended to read as follows:

42 A person shall not engage in the practice of
43 medicine and surgery, podiatry, osteopathy,
44 osteopathic medicine and surgery, psychology,
45 chiropractic, physical therapy, nursing, dentistry,
46 dental hygiene, optometry, speech pathology,
47 audiology, occupational therapy, respiratory care,
48 pharmacy, cosmetology, barbering, social work,
49 dietetics, marital and family therapy or mental health
50 counseling, massage therapy, mortuary science, ~~or~~

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1 acupuncture, or interpreting for the hearing impaired,
 2 or shall not practice as a physician assistant as
 3 defined in the following chapters of this subtitle,
 4 unless the person has obtained from the department a
 5 license for that purpose.

6 Sec. ____ Section 147.13, Code 2003, is amended by
 7 adding the following new subsection:

8 NEW SUBSECTION. 21. For interpreters, interpreter
 9 for the hearing impaired examiners.

10 Sec. ____ Section 147.14, Code 2003, is amended by
 11 adding the following new subsection:

12 NEW SUBSECTION. 21. For interpreting for the
 13 hearing impaired, four members licensed to practice
 14 interpreting, three of whom shall be practicing
 15 interpreters at the time of appointment to the board
 16 and at least one of whom is employed in an educational
 17 setting; and three members who are consumers of
 18 interpreting services as defined in section 154E.1,
 19 each of whom shall be deaf. A majority of members of
 20 the board constitutes a quorum.

21 Sec. ____ Section 147.74, Code Supplement 2003, is
 22 amended by adding the following new subsection:

23 NEW SUBSECTION. 21A. An interpreter licensed
 24 under chapter 154E and this chapter may use the title
 25 “licensed interpreter” or the letters “L.I.” after the
 26 person’s name.

27 Sec. ____ Section 147.80, Code Supplement 2003, is
 28 amended by adding the following new subsection:

29 NEW SUBSECTION. 28A. License to practice
 30 interpreting, license to practice interpreting under a
 31 reciprocal license, or renewal of a license to
 32 practice interpreting.

33 Sec. ____ NEW SECTION. 154E.1 DEFINITIONS.

34 As used in this chapter, unless the context
 35 otherwise requires:

36 1. “Board” means the board of interpreter for the
 37 hearing impaired examiners established in chapter 147.

38 2. “Consumer” means an individual utilizing
 39 interpreting services who uses spoken English,
 40 American sign language, or a manual form of English.

41 3. “Department” means the Iowa department of
 42 public health.

43 4. “Interpreter training program” means a post-
 44 secondary education program training individuals to
 45 interpret or transliterate.

46 5. “Interpreting” means facilitating communication
 47 between individuals who communicate via American sign
 48 language and individuals who communicate via spoken
 49 English.

50 6. “Licensee” means any person licensed to

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1 practice interpreting or transliterating for deaf,
2 hard-of-hearing, and hearing individuals in the state
3 of Iowa.

4 7. "Transliterating" means facilitating
5 communication between individuals who communicate via
6 a manual form of English and individuals who
7 communicate via spoken English.

8 Sec. ____ NEW SECTION. 154E.2 DUTIES OF THE
9 BOARD.

10 The board shall administer this chapter. The
11 board's duties shall include, but are not limited to,
12 the following:

13 1. Adopt rules consistent with this chapter and
14 with chapter 147 which are necessary for the
15 performance of its duties.

16 2. Act on matters concerning licensure and the
17 process of applying for, granting, suspending,
18 imposing supervisory or probationary conditions upon,
19 reinstating, and revoking a license.

20 3. Establish and collect licensure fees. The
21 board shall establish the amounts of license and
22 renewal fees based upon the actual costs of sustaining
23 the board and the actual costs of issuing the
24 licenses, and all fees collected shall be deposited
25 with the treasurer of state who shall deposit them in
26 the general fund of the state.

27 4. Administer the provisions of this chapter
28 regarding documentation required to demonstrate
29 competence as an interpreter, and the processing of
30 applications for licenses and license renewals.

31 5. Establish and maintain as a matter of public
32 record a registry of interpreters licensed pursuant to
33 this chapter.

34 6. Develop continuing education requirements as a
35 condition of license renewal.

36 7. Evaluate requirements for licensure in other
37 states to determine if reciprocity may be granted.

38 Sec. ____ NEW SECTION. 154E.3 REQUIREMENTS FOR
39 LICENSURE.

40 On or after July 1, 2005, every person providing
41 interpreting or transliterating services in this state
42 shall be licensed pursuant to this chapter. The board
43 shall adopt rules pursuant to chapters 17A, 147, and
44 272C establishing procedures for the licensing of new
45 and existing interpreters. Prior to obtaining
46 licensure, an applicant shall successfully pass an
47 examination prescribed and approved by the board,
48 demonstrating the following:

49 1. VOICE-TO-SIGN INTERPRETATION. An applicant
50 shall demonstrate proficiency at:

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- 1 a. Message equivalence, producing a true and
- 2 accurate signed form of the spoken message,
- 3 maintaining the integrity of content and meaning, and
- 4 exhibiting few omissions, substitutions, or other
- 5 errors.
- 6 b. Affect, producing nonmanual grammar consistent
- 7 with the intent and emotion of the speaker, and
- 8 exhibiting no distracting mannerisms.
- 9 c. Vocabulary choice, making correct sign choices
- 10 appropriate to the setting and consumers, applying
- 11 facial grammar consistent with sign choice, selecting
- 12 signs that remain true to speaker's intent, and
- 13 demonstrating lexical variety.
- 14 d. Fluency, displaying confidence in production,
- 15 exhibiting a strong command of American sign language
- 16 or manual codes for English, applying nonmanual
- 17 behaviors consistent with the speaker's intent, and
- 18 demonstrating understanding of and sensitivity to
- 19 cultural differences.
- 20 2. SIGN-TO-VOICE INTERPRETATION. An applicant
- 21 shall demonstrate proficiency at:
 - 22 a. Message equivalence, producing a true and
 - 23 accurate spoken form of the signed message,
 - 24 maintaining the integrity of content and meaning, and
 - 25 exhibiting few omissions, substitutions, or other
 - 26 errors.
 - 27 b. Affect, producing inflection consistent with
 - 28 the intent and emotion of the speaker, and exhibiting
 - 29 no distracting mannerisms.
 - 30 c. Vocabulary choice, making correct word choices
 - 31 appropriate to the setting and consumers, using vocal
 - 32 inflection consistent with word choice, selecting
 - 33 words that remain true to the speaker's intent, and
 - 34 demonstrating lexical variety.
 - 35 d. Fluency, displaying confidence in production,
 - 36 exhibiting a strong command of English in both spoken
 - 37 and written forms, applying vocal inflections
 - 38 consistent with the speaker's intent, and
 - 39 demonstrating understanding of and sensitivity to
 - 40 cultural differences.
- 41 3. PROFESSIONAL CONDUCT. An applicant shall
- 42 demonstrate:
 - 43 a. Proficiency in functioning as a communicator of
 - 44 messages between the sender and receiver, and
 - 45 educating consumers of services about the functions
 - 46 and logistics of the interpreting process.
 - 47 b. An impartial demeanor, refraining from
 - 48 interjecting opinions or advice and from aligning with
 - 49 one party over another. An applicant shall treat all
 - 50 people fairly and respectfully regardless of their

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1 relationship to the interpreting assignment, and
2 present a professional appearance that is not visually
3 distracting and is appropriate to the setting. An
4 applicant shall exhibit knowledge and application of
5 federal and state laws pertaining to the interpreting
6 profession.

7 c. Integrity, and shall be proficient in
8 understanding and applying ethical behavior
9 appropriate for a licensee. An applicant shall
10 demonstrate discretion in accepting and meeting
11 interpreter services requests, and shall engage
12 actively in lifelong learning.

13 Sec. __. NEW SECTION. 154E.4 EXCEPTIONS.

14 1. A person shall not practice interpreting or
15 transliterating, or represent oneself to be an
16 interpreter, unless the person is licensed under this
17 chapter.

18 2. This chapter does not prohibit any of the
19 following:

20 a. Any person residing outside of the state of
21 Iowa holding a current license from another state that
22 meets the state of Iowa's requirements from providing
23 interpreting or transliterating services in this state
24 for up to fourteen days per calendar year without a
25 license issued pursuant to this chapter.

26 b. Any person who interprets or transliterates
27 solely in a religious setting with the exception of
28 those working in schools that receive government
29 funding.

30 c. Volunteers working without compensation,
31 including emergency situations, until a licensed
32 interpreter is obtained.

33 d. Any person working as a substitute for a
34 licensed interpreter in an early childhood,
35 elementary, or secondary education setting for no more
36 than thirty school days in a calendar year.

37 Sec. __. Section 272C.1, subsection 6, Code 2003,
38 is amended by adding the following new paragraph:

39 NEW PARAGRAPH. ad. The board of interpreter for
40 the hearing impaired examiners, created pursuant to
41 chapter 154E.

42 Sec. __. INTERPRETER STANDARDS AND REGULATIONS.

43 There is appropriated from the general fund of the
44 state to the Iowa department of public health, for the
45 fiscal year beginning July 1, 2004, and ending June
46 30, 2005, the following amount, or so much thereof as
47 is necessary, for the purpose designated:

48 For protecting the health and safety of the public
49 through establishing standards and enforcing
50 regulations of interpreters for the deaf, hard-of-

| | | | |
|---|--|------|--------|
| 1 | hearing, and hearing impaired, and for not more than | | |
| 2 | the following full-time equivalent positions: | | |
| 3 | | \$ | 60,390 |
| 4 | | FTEs | 1.00 |

5 Sec. ____ TRANSITION PROVISIONS.
6 1. The board of interpreter for the hearing
7 impaired examiners shall be provisionally established
8 as provided in section 147.14, as amended in this
9 division of this Act, effective July 1, 2004, for the
10 sole purpose of appointment of members and organizing,
11 planning, and adopting rules, as described in section
12 154E.2, as enacted in this division of this Act, which
13 rules shall be effective July 1, 2005. The board
14 shall become fully operational July 1, 2007, as
15 provided in this division of this Act.

16 2. Applicants for licensure under chapter 154E who
17 have not passed a licensure examination approved by
18 the board by July 1, 2005, shall be issued a temporary
19 license to practice interpreting for a period of two
20 years, commencing on July 1, 2005.

21 3. Applicants issued a temporary license pursuant
22 to this section shall pass a licensure examination
23 approved by the board on or before July 1, 2007, in
24 order to remain licensed as an interpreter.

25 Sec. ____ EFFECTIVE DATE. This division of this
26 Act providing for the licensing of interpreters by
27 amending chapters 147 and 272C and enacting chapter
28 154E takes effect July 1, 2005.

29 DIVISION ____

30 INCOME TAX CHECKOFFS

31 Sec. ____ NEW SECTION. 100B.13 VOLUNTEER FIRE
32 FIGHTER PREPAREDNESS FUND.

33 1. A volunteer fire fighter preparedness fund is
34 created as a separate and distinct fund in the state
35 treasury under the control of the division of fire
36 protection of the department of public safety.

37 2. Revenue for the volunteer fire fighter
38 preparedness fund shall include, but is not limited
39 to, the following:

40 a. Moneys credited to the fund pursuant to section
41 422.12F.

42 b. Moneys in the form of a devise, gift, bequest,
43 donation, or federal or other grant intended to be
44 used for the purposes of the fund.

45 3. Moneys in the volunteer fire fighter
46 preparedness fund are not subject to section 8.33.
47 Notwithstanding section 12C.7, subsection 2, interest
48 or earnings on moneys in the fund shall be credited to
49 the fund.

50 4. Moneys in the volunteer fire fighter

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1 preparedness fund are appropriated to the division of
2 fire protection of the department of public safety to
3 be used annually to pay the costs of providing
4 volunteer fire fighter training around the state and
5 to pay the costs of providing volunteer fire fighting
6 equipment.

7 Sec. ____ Section 314.28, Code 2003, is reenacted
8 to read as follows:

9 314.28 KEEP IOWA BEAUTIFUL FUND.

10 A keep Iowa beautiful fund is created in the office
11 of the treasurer of state. The fund is composed of
12 moneys appropriated or available to and obtained or
13 accepted by the treasurer of state for deposit in the
14 fund. The fund shall include moneys credited to the
15 fund as provided in section 422.12A. All interest
16 earned on moneys in the fund shall be credited to and
17 remain in the fund. Section 8.33 does not apply to
18 moneys in the fund.

19 Moneys in the fund are subject to appropriation by
20 the general assembly annually for the purposes of
21 educating and encouraging Iowans to take greater
22 responsibility for improving their community
23 environment and enhancing the beauty of the state
24 through litter prevention, improving waste management
25 and recycling efforts, and beautification projects.

26 The department may authorize payment of moneys
27 appropriated from the fund to the department upon
28 approval of an application from a private or public
29 organization. The applicant shall submit a plan for
30 litter prevention, improving waste management and
31 recycling efforts, or a beautification project along
32 with its application. The department shall establish
33 standards relating to the type of projects available
34 for assistance.

35 Sec. ____ Section 422.12A, Code Supplement 2003,
36 is reenacted to read as follows:

37 422.12A INCOME TAX REFUND CHECKOFF FOR KEEP IOWA
38 BEAUTIFUL FUND.

39 1. A person who files an individual or a joint
40 income tax return with the department of revenue under
41 section 422.13 may designate one dollar or more to be
42 paid to the keep Iowa beautiful fund as created in
43 section 314.28. If the refund due on the return or
44 the payment remitted with the return is insufficient
45 to pay the additional amount designated by the
46 taxpayer to the keep Iowa beautiful fund, the amount
47 designated shall be reduced to the remaining amount of
48 refund or the remaining amount remitted with the
49 return. The designation of a contribution to the keep
50 Iowa beautiful fund under this section is irrevocable.

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1 2. The director of revenue shall draft the income
 2 tax form to allow the designation of contributions to
 3 the keep Iowa beautiful fund on the tax return. The
 4 department of revenue, on or before January 31, shall
 5 certify the total amount designated on the tax return
 6 forms due in the preceding calendar year and shall
 7 report the amount to the treasurer of state. The
 8 treasurer of state shall credit the amount to the keep
 9 Iowa beautiful fund. However, before a checkoff
 10 pursuant to this section shall be permitted, all
 11 liabilities on the books of the department of revenue
 12 and accounts identified as owing under section 421.17
 13 and the political contribution allowed under section
 14 68A.601 shall be satisfied.

15 3. Moneys in the fund are subject to appropriation
 16 as provided in section 314.28.

17 4. The department of revenue shall adopt rules to
 18 administer this section.

19 5. This section is subject to repeal under section
 20 422.12E.

21 Sec. ____ Section 422.12E, Code Supplement 2003,
 22 is amended to read as follows:

23 422.12E INCOME TAX RETURN CHECKOFFS LIMITED.

24 For tax years beginning on or after January 1, ~~1995~~
 25 2004, there shall be allowed no more than ~~three~~ four
 26 income tax return checkoffs on each income tax return.
 27 When the same ~~three~~ four income tax return checkoffs
 28 have been provided on the income tax return for ~~three~~
 29 two consecutive years, the ~~checkoff~~ two checkoffs for
 30 which the least amount has been contributed, in the
 31 aggregate for the first ~~two~~ tax years year and through
 32 March 15 of the ~~third~~ second tax year, ~~shall be~~ are
 33 repealed. This section does not apply to the income
 34 tax return checkoff provided in section 68A.601.

35 If more checkoffs are enacted in the same session
 36 of the general assembly than there is space for
 37 inclusion on the individual tax return form, the
 38 earliest enacted checkoffs for which there is space
 39 for inclusion on the return form shall be included on
 40 the return form, and all other checkoffs enacted
 41 during that session of the general assembly are
 42 repealed.

43 Sec. ____ NEW SECTION. 422.12F INCOME TAX
 44 CHECKOFF FOR VOLUNTEER FIRE FIGHTER PREPAREDNESS.

45 1. A person who files an individual or a joint
 46 income tax return with the department of revenue under
 47 section 422.13 may designate one dollar or more to be
 48 paid to the volunteer fire fighter preparedness fund
 49 as created in section 100B.13. If the refund due on
 50 the return or the payment remitted with the return is

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1 insufficient to pay the additional amount designated
2 by the taxpayer to the volunteer fire fighter
3 preparedness fund, the amount designated shall be
4 reduced to the remaining amount of refund or the
5 remaining amount remitted with the return. The
6 designation of a contribution to the volunteer fire
7 fighter preparedness fund under this section is
8 irrevocable.

9 2. The director of revenue shall draft the income
10 tax form to allow the designation of contributions to
11 the volunteer fire fighter preparedness fund on the
12 tax return. The department of revenue, on or before
13 January 31, shall certify the total amount designated
14 on the tax return forms due in the preceding calendar
15 year and shall report the amount to the treasurer of
16 state. The treasurer of state shall credit the amount
17 to the volunteer fire fighter preparedness fund.
18 However, before a checkoff pursuant to this section
19 shall be permitted, all liabilities on the books of
20 the department of revenue and accounts identified as
21 owing under section 421.17 and the political
22 contribution allowed under section 68A.601 shall be
23 satisfied.

24 3. The department of revenue shall adopt rules to
25 administer this section.

26 4. This section is subject to repeal under section
27 422.12E.

28 Sec. ____ EFFECTIVE AND APPLICABILITY DATES.

29 1. The section of this division of this Act
30 amending section 422.12E, being deemed of immediate
31 importance, takes effect upon enactment.

32 2. The sections of this division of this Act
33 reenacting section 422.12A and enacting section
34 422.12F apply retroactively to tax years beginning on
35 or after January 1, 2004.

36 DIVISION ____

37 STATE TAX IMPLEMENTATION COMMITTEE

38 Sec. ____ STATE TAX IMPLEMENTATION COMMITTEE.

39 1. On or before July 1, 2004, the department of
40 revenue, in consultation with the department of
41 management, shall initiate and coordinate the
42 establishment of a state tax implementation committee.
43 The department of revenue and the department of
44 management shall provide staffing assistance to the
45 committee.

46 The state tax implementation committee shall
47 include four members of the general assembly, one each
48 appointed by the majority leader of the senate, the
49 speaker of the house of representatives, the minority
50 leader of the senate, and the minority leader of the

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- 1 house of representatives. The committee shall also
2 include members appointed by the department of
3 revenue. One member shall be appointed to represent
4 each of the following:
- 5 a. The department of revenue.
 - 6 b. The department of management.
 - 7 c. Counties.
 - 8 d. Cities.
 - 9 e. School districts.
 - 10 f. Local assessors.
 - 11 g. County auditors.
 - 12 h. Commercial property taxpayers.
 - 13 i. Industrial property taxpayers.
 - 14 j. Residential property taxpayers.
 - 15 k. Agricultural property taxpayers.
 - 16 l. Chapter 437A taxpayers.
- 17 One additional stakeholder shall be appointed
18 jointly by the majority leader of the senate and the
19 speaker of the house of representatives.
- 20 Any vacancy shall be filled in the same manner as
21 regular appointments are made.
- 22 The chairpersons of the committee shall be those
23 members of the general assembly appointed by the
24 majority leader of the senate and the speaker of the
25 house of representatives.
- 26 The members of the committee representing the
27 department of revenue and the department of management
28 are nonvoting, ex officio members.
- 29 The committee shall meet quarterly and at other
30 times as necessary at the call of the chairpersons.
- 31 Written notice of the time and place of each meeting
32 shall be given to each member of the committee. The
33 only vote taken by the committee shall be the vote
34 approving the final report in subsection 2.
- 35 2. The committee shall review and analyze the
36 following:
- 37 a. Revenue sources available to local governments
38 and school districts, including taxes, payments in
39 lieu of property taxes, fees, state appropriations,
40 and federal moneys.
 - 41 b. Revenue sources available to the state,
42 including taxes, fees, and federal moneys, and the
43 portion of state revenues annually appropriated, or
44 otherwise disbursed, to local governments.
 - 45 c. Exemptions, credits, deductions, exclusions,
46 and other reductions in state or local taxes made
47 available, by state statute or local ordinance, to
48 state and local taxpayers; and state reimbursement of
49 any property tax credits and exemptions.
 - 50 d. Services provided by local governments,

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1 including those provided at the discretion of a local
2 government and those mandated by federal or state
3 statutes and regulations.

4 e. The role of property taxes in funding local
5 government services, the types of services currently
6 funded by property taxes, and the property tax
7 financing portion of the school funding formula.

8 f. Alternative systems of property taxation,
9 alternative procedures for protesting property
10 assessments, and various methods of controlling
11 property tax revenues and expenditures.

12 In conducting its review and analysis, the
13 committee shall study state and local taxes from the
14 standpoint of neutrality; competitiveness; simplicity;
15 stability; and equity, including maintenance of equity
16 among classes of taxpayers and among taxpayers within
17 the same class.

18 The committee may hold public hearings to allow
19 persons and organizations to be heard.

20 The committee shall submit a final report to the
21 general assembly no later than final adjournment of
22 the 2005 regular legislative session. The report
23 shall summarize the committee's activities to date,
24 analyze issues studied to date, and may include such
25 other information that the committee deems relevant
26 and necessary.

27 3. The committee may request from any state agency
28 or official the information and assistance as needed
29 to perform the review and analysis required in
30 subsection 2. A state agency or official shall
31 furnish the information or assistance requested within
32 the authority and resources of the state agency or
33 official. This subsection does not allow the
34 examination or copying of any public record required
35 by law to be kept confidential.

36 Sec. ___. FUTURE REPEAL. The section of this
37 division of this Act establishing the state tax
38 implementation committee is repealed effective June
39 30, 2005.

40 Sec. ___. 2003 Iowa Acts, First Extraordinary
41 Session, chapter 1, section 41, is repealed.

42 Sec. ___. EFFECTIVE DATE. This division of this
43 Act, being deemed of immediate importance, takes
44 effect upon enactment.

45 DIVISION __

46 911 EMERGENCY

47 Sec. ___. Section 34A.1, Code 2003, is amended to
48 read as follows:

49 34A.1 PURPOSE.

50 The ~~legislature~~ general assembly finds that

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1 enhanced 911 emergency telephone communication systems
 2 and other emergency 911 notification devices further
 3 the public interest and protect the health, safety,
 4 and welfare of the people of Iowa. The purpose of
 5 this chapter is to enable the orderly development,
 6 installation, and operation of enhanced 911 emergency
 7 telephone communication systems and other emergency
 8 911 notification devices statewide. These systems are
 9 to be operated under governmental management and
 10 control for the public benefit.

11 Sec. ____ Section 34A.2, Code 2003, is amended to
 12 read as follows:

13 34A.2 DEFINITIONS.

14 As used in this chapter, unless the context
 15 otherwise requires:

16 1. "Access line" means ~~a local an~~ exchange access
 17 line that has the ability to access ~~local~~ dial tone
 18 and reach a ~~local~~ public safety ~~agency~~ answering
 19 point.

20 2. "Administrator" means the ~~E911~~ administrator
 21 ~~appointed pursuant to section 34A.2A of the homeland~~
 22 ~~security and emergency management division of the~~
 23 ~~department of public defense~~.

24 3. "Competitive local exchange service provider"
 25 means the same as defined in section 476.96.

26 4. "Emergency 911 notification device" means a
 27 product capable of accessing a public safety answering
 28 point through the 911 system.

29 ~~3. 5.~~ "Enhanced 911" or "E911" means a service
 30 ~~which that~~ provides the user of a ~~public telephone~~
 31 ~~system~~ communications service with the ability to
 32 reach a public safety answering point by dialing the
 33 digits 911, and ~~which that~~ has the following
 34 additional features:

35 a. Routes an incoming 911 call to the appropriate
 36 public safety answering point ~~selected from the public~~
 37 ~~safety answering points operating in a 911 service~~
 38 ~~area~~.

39 b. Automatically provides voice, displays the
 40 name, address or location, and telephone number of an
 41 incoming 911 call and public safety agency servicing
 42 the ~~address on a video monitor at the appropriate~~
 43 ~~public safety answering point location~~.

44 4. 6. "Enhanced 911 service area" means the
 45 geographic area to be serviced, or currently serviced
 46 under an enhanced 911 service plan, provided that an
 47 enhanced 911 service area must at minimum encompass
 48 one entire county. The enhanced 911 service area may
 49 encompass more than one county, and need not be
 50 restricted to county boundaries.

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1 ~~5-7.~~ "Enhanced 911 service plan" means a plan
2 that includes the following information:
3 a. A description of the enhanced 911 service area.
4 b. A list of all public and private safety
5 agencies within the enhanced 911 service area.
6 c. The number of public safety answering points
7 within the enhanced 911 service area.
8 d. Identification of the agency responsible for
9 management and supervision of the enhanced 911
10 emergency ~~telephone~~ communication system.
11 e. A statement of estimated costs to be incurred
12 by the joint E911 service board or the department of
13 public safety, including separate estimates of the
14 following:
15 (1) Nonrecurring costs, including, but not limited
16 to, public safety answering points, network equipment,
17 software, database, addressing, initial training, and
18 other capital and start-up expenditures, including the
19 purchase or lease of subscriber names, addresses, and
20 telephone information from the local exchange service
21 provider.
22 (2) Recurring costs, including, but not limited
23 to, network access fees and other telephone charges,
24 software, equipment, and database management, and
25 maintenance, including the purchase or lease of
26 subscriber names, addresses, and telephone information
27 from the local exchange service provider. Recurring
28 costs shall not include personnel costs for a public
29 safety answering point.
30 Funds deposited in an E911 service fund ~~shall be~~
31 are appropriated and ~~shall be~~ used for the payment of
32 costs ~~which that~~ are limited to nonrecurring and
33 recurring costs directly attributable to the provision
34 of 911 emergency telephone communication service and
35 may include costs for portable and vehicle radios,
36 communication towers and associated equipment, and
37 other radios and associated equipment permanently
38 located at the public safety answering point and as
39 directed by either the joint E911 service board or the
40 department of public safety. Costs do not include
41 expenditures for any other purpose, and specifically
42 exclude costs attributable to other emergency services
43 or expenditures for buildings or personnel, except for
44 the costs of personnel for database management and
45 personnel directly associated with addressing.
46 f. Current equipment operated by affected local
47 exchange service providers, and central office
48 equipment and technology upgrades necessary for the
49 provider to implement enhanced 911 service within the
50 enhanced 911 service area ~~on or before July 1, 1992.~~

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- 1 g. A schedule for implementation of the plan
 2 throughout the E911 service area. The schedule may
 3 provide for phased implementation. ~~However, a joint~~
 4 ~~911 service board may decide not to implement E911~~
 5 ~~service.~~
- 6 h. The number of telephone access lines capable of
 7 access to 911 in the enhanced 911 service area.
- 8 i. The total property valuation in the enhanced
 9 911 service area.
- 10 ~~6. "Enhanced 911 service surcharge" is a charge~~
 11 ~~set by the E911 service area operating authority and~~
 12 ~~assessed on each access line which physically~~
 13 ~~terminates within the E911 service area.~~
- 14 8. "Local exchange carrier" means the same as
 15 defined in section 476.96.
- 16 ~~7. 9. "Local exchange service provider" means a~~
 17 ~~person vendor engaged in providing telecommunications~~
 18 ~~service between points within an exchange and includes~~
 19 ~~but is not limited to a competitive local exchange~~
 20 ~~service provider and a local exchange carrier.~~
- 21 10. "Program manager" means the E911 program
 22 manager appointed pursuant to section 34A.2A.
- 23 ~~8. 11. "Provider" means a person vendor who~~
 24 ~~provides, or offers to provide, E911 equipment,~~
 25 ~~installation, maintenance, or exchange access services~~
 26 ~~within the enhanced 911 service area.~~
- 27 ~~9. 12. "Public or private safety agency" means a~~
 28 ~~unit of state or local government, a special purpose~~
 29 ~~district, or a private firm which provides or has the~~
 30 ~~authority to provide fire fighting, police, ambulance,~~
 31 ~~or emergency medical services, or hazardous materials~~
 32 ~~response.~~
- 33 ~~10. 13. "Public safety answering point" means a~~
 34 ~~twenty-four hour local jurisdiction twenty-four-hour~~
 35 ~~public safety communications facility which that~~
 36 ~~receives enhanced 911 service calls and directly~~
 37 ~~dispatches emergency response services or relays calls~~
 38 ~~to the appropriate public or private safety agency.~~
- 39 14. "Wireless E911 phase 1" means a 911 call made
 40 from a wireless device in which the wireless service
 41 provider delivers the call-back number and address of
 42 the tower that received the call to the appropriate
 43 public safety answering point.
- 44 15. "Wireless E911 phase 2" means a 911 call made
 45 from a wireless device in which the wireless service
 46 provider delivers the call-back number and the
 47 latitude and longitude coordinates of the wireless
 48 device to the appropriate public safety answering
 49 point.
- 50 16. "Wire-line E911 service surcharge" is a charge

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1 set by the E911 service area operating authority and
 2 assessed on each wire-line access line which
 3 physically terminates within the E911 service area.

4 Sec. ____ Section 34A.2A, Code 2003, is amended to
 5 read as follows:

6 34A.2A ~~ADMINISTRATOR PROGRAM MANAGER~~—
 7 APPOINTMENT — DUTIES.

8 1. The administrator of the division of homeland
 9 security and emergency management division of the
 10 department of public defense shall appoint an E911
 11 ~~administrator program manager~~ to administer this
 12 chapter.

13 2. The E911 ~~administrator program manager~~ shall
 14 act under the supervisory control of the administrator
 15 of the ~~division of homeland security and~~ emergency
 16 management division of the department of public
 17 defense, and in consultation with the E911
 18 communications council, and perform the duties
 19 specifically set forth in this chapter and as assigned
 20 by the administrator.

21 Sec. ____ Section 34A.3, Code 2003, is amended to
 22 read as follows:

23 34A.3 JOINT ~~911 E911~~ SERVICE BOARD — 911 SERVICE
 24 PLAN — IMPLEMENTATION — WAIVERS.

25 1. JOINT ~~911 E911~~ SERVICE BOARDS ~~TO SUBMIT~~ ==
 26 PLANS.

27 a. The board of supervisors of each county shall
 28 ~~establish~~ maintain a joint ~~911 E911~~ service board ~~not~~
 29 ~~later than January 1, 1989.~~

30 (1) Each political subdivision of the state having
 31 a public safety agency serving territory within the
 32 county is entitled to voting membership on the joint
 33 ~~911 E911~~ service board. Each private safety agency
 34 operating within the area is entitled to nonvoting
 35 membership on the board.

36 (2) A township ~~which that~~ does not operate its own
 37 public safety agency, but contracts for the provision
 38 of public safety services, is not entitled to
 39 membership on the joint ~~911 E911~~ service board, but
 40 its contractor is entitled to membership according to
 41 the contractor's status as a public or private safety
 42 agency.

43 b. The joint ~~911 E911~~ service board shall ~~develop~~
 44 maintain an enhanced 911 service plan encompassing at
 45 minimum the entire county, unless an exemption is
 46 granted by the ~~administrator program manager~~
 47 permitting a smaller E911 service area.

48 (1) The ~~administrator program manager~~ may grant a
 49 discretionary exemption from the single county minimum
 50 service area requirement based upon ~~an E911~~ a joint

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1 E911 service board's or other E911 service plan
 2 operating authority's presentation of evidence which
 3 supports the requested exemption if the ~~administrator~~
 4 program manager finds that local conditions make
 5 adherence to the minimum standard unreasonable or
 6 technically infeasible, and that the purposes of this
 7 chapter would be furthered by granting an exemption.
 8 The minimum size requirement is intended to prevent
 9 unnecessary duplication of public safety answering
 10 points and minimize other administrative, personnel,
 11 and equipment expenses. ~~An E911 service area must~~
 12 ~~encompass a geographically contiguous area. No~~
 13 ~~exemption shall be granted from the contiguous area~~
 14 ~~requirement.~~

15 (2) The ~~administrator~~ program manager may order
 16 the inclusion of a specific territory in an adjoining
 17 E911 service plan area to avoid the creation by
 18 exclusion of a territory smaller than a single county
 19 not serviced by surrounding E911 service plan areas
 20 upon request of the joint ~~911~~ E911 service board
 21 representing the territory.

22 c. The E911 service plan operating authority shall
 23 submit ~~proposed changes to the plan on or before~~
 24 ~~January 1, 1994~~, to all of the following:

25 a. (1) The ~~administrator~~ program manager.

26 b. (2) Public and private safety agencies in the
 27 enhanced 911 service area.

28 e. (3) ~~Providers~~ Local exchange service providers
 29 affected by the enhanced 911 service plan.

30 ~~An E911 joint service board that has a state-~~
 31 ~~approved service plan in place prior to July 1, 1993,~~
 32 ~~is exempt from the provisions of this section. The~~
 33 ~~administrator shall establish, by July 1, 1994, E911~~
 34 ~~service plans for those E911 joint service boards~~
 35 ~~which do not have a state approved service plan in~~
 36 ~~place on or before January 1, 1994.~~

37 The administrator shall prepare a summary of the
 38 plans submitted and present the summary to the
 39 legislature on or before August 1, 1994.

40 2. COMPLIANCE WAIVERS AVAILABLE IN LIMITED
 41 CIRCUMSTANCES.

42 a. The ~~administrator~~ program manager may extend,
 43 in whole or in part, the time period for plan
 44 implementation by issuing for implementation of an
 45 enhanced 911 service plan beyond the scheduled plan of
 46 implementation, by issuance of a compliance waiver.

47 b. The compliance waiver shall be based upon a
 48 joint ~~911~~ E911 service board's presentation of
 49 evidence which supports an extension if the
 50 ~~administrator~~ program manager finds that local

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1 conditions make implementation financially
2 unreasonable or technically infeasible by the
3 originally scheduled plan of implementation.
4 c. The compliance waiver shall be for a set period
5 of time, and subject to review and renewal or denial
6 of renewal upon its expiration.

7 d. The waiver may cover all or a portion of a 911
8 service plan's enhanced 911 service area to facilitate
9 phased implementation when possible.

10 e. The granting of a compliance waiver does not
11 create a presumption that the identical or similar
12 waiver will be extended in the future.

13 f. Consideration of compliance waivers shall be on
14 a case-by-case basis.

15 3. CHAPTER 28E AGREEMENT — ALTERNATIVE TO JOINT

16 ~~911 E911~~ SERVICE BOARD. A legal entity created
17 pursuant to chapter 28E by a county or counties, other
18 political divisions, and public or private agencies to
19 jointly plan, implement, and operate a countywide, or
20 larger, enhanced 911 service system may be substituted
21 for the joint ~~911 E911~~ service board required under
22 subsection 1.

23 An alternative legal entity created pursuant to
24 chapter 28E as a substitute for a joint ~~911 E911~~
25 service board, as permitted by this subsection, may be
26 created by either:

27 a. Agreement of the parties entitled to voting
28 membership on a joint ~~911 E911~~ service board.

29 b. Agreement of the members of a joint ~~911 E911~~
30 service board.

31 An alternative chapter 28E entity has all of the
32 powers of a joint ~~911 E911~~ service board and any
33 additional powers granted by the agreement. As used
34 in this chapter, "joint ~~911 E911~~ service board"
35 includes an alternative chapter 28E entity created for
36 that purpose, except as specifically limited by the
37 chapter 28E agreement or unless clearly provided
38 otherwise in this chapter. A chapter 28E agreement
39 related to E911 service shall permit the participation
40 of a private safety agency or other persons allowed to
41 participate in a joint ~~911 E911~~ service board, but the
42 terms, scope, and conditions of participation are
43 subject to the chapter 28E agreement.

44 4. PARTICIPATION IN JOINT E911 SERVICE BOARD

45 REQUIRED. A political subdivision or state agency
46 having a public safety agency within its territory or
47 jurisdiction shall participate in a joint E911 service
48 board and cooperate in ~~preparing~~ maintaining the E911
49 service plan.

50 Sec. ____. Section 34A.4, Code 2003, is amended to

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1 read as follows:

2 34A.4 ~~REQUIRED CONVERSION REQUIREMENTS OF PAY~~
 3 ~~TELEPHONES AND OTHER TELECOMMUNICATIONS DEVICES TO~~
 4 ~~ALLOW 911 CALLS WITHOUT DEPOSITING COINS OR OTHER~~
 5 ~~CHARGE.~~

6 ~~1. CONVERSION AND NOTICE REQUIRED. When an~~
 7 ~~enhanced 911 service system becomes operational or as~~
 8 ~~soon as feasible thereafter, each provider or other~~
 9 ~~owner or lessee of a pay station telephone to be~~
 10 ~~operated within the enhanced 911 service area shall do~~
 11 ~~the following:~~

12 ~~a. Convert each telephone to permit a caller to~~
 13 ~~dial 911 without first inserting a coin or paying any~~
 14 ~~other charge.~~

15 ~~b. Prominently display on each pay telephone a~~
 16 ~~notice advising callers to dial 911 in an emergency~~
 17 ~~and that deposit of a coin is not required.~~

18 ~~2. CERTAIN PAY PHONES PROHIBITED WITHIN SERVICE~~

19 ~~AREA. After commencement of enhanced 911 service in~~
 20 ~~In an enhanced 911 service area, a person shall not~~
 21 ~~install or offer for use within the enhanced 911~~
 22 ~~service area a pay station telephone or other fixed~~
 23 ~~device unless the telephone or device is capable of~~
 24 ~~accepting making a 911 call without prior insertion of~~
 25 ~~a coin or payment of any other charge, and unless the~~
 26 ~~telephone or device displays notice of free 911~~
 27 ~~service.~~

28 Sec. ____ Section 34A.6, subsection 1, unnumbered
 29 paragraph 1, Code 2003, is amended to read as follows:

30 Before a joint E911 service board may request
 31 imposition of the surcharge by the ~~administrator~~
 32 ~~program manager~~, the board shall submit the following
 33 question to voters, as provided in subsection 2, in
 34 the proposed E911 service area, and the question shall
 35 receive a favorable vote from a simple majority of
 36 persons submitting valid ballots on the following
 37 question within the proposed E911 service area:

38 Sec. ____ Section 34A.7, unnumbered paragraph 1,
 39 Code 2003, is amended to read as follows:

40 When an E911 service plan is implemented, the costs
 41 of providing E911 service within an E911 service area
 42 are the responsibility of the joint E911 service board
 43 and the member political subdivisions. Costs in
 44 excess of the amount raised by imposition of the E911
 45 service surcharge provided for under subsection 1,
 46 shall be paid by the joint E911 service board from
 47 such revenue sources allocated among the member
 48 political subdivisions as determined by the joint E911
 49 service board. Funding is not limited to the
 50 surcharge, and surcharge revenues may be supplemented

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1 by other permissible local and state revenue sources.
 2 A joint ~~911~~ E911 service board shall not commit a
 3 political subdivision to appropriate property tax
 4 revenues to fund an E911 service plan without the
 5 consent of the political subdivision. A joint ~~911~~
 6 E911 service board may approve ~~a 911~~ an E911 service
 7 plan, including a funding formula requiring
 8 appropriations by participating political
 9 subdivisions, subject to the approval of the funding
 10 formula by each political subdivision. However, a
 11 political subdivision may agree in advance to
 12 appropriate property tax revenues or other moneys
 13 according to a formula or plan developed by an
 14 alternative chapter 28E entity.

15 Sec. ____ Section 34A.7, subsections 1, 2, 3, and
 16 4, Code 2003, are amended to read as follows:

17 1. LOCAL WIRE-LINE E911 SERVICE SURCHARGE
 18 IMPOSITION.

19 a. To encourage local implementation of E911
 20 service, one source of funding for E911 emergency
 21 telephone communication systems shall come from a
 22 surcharge per month, per access line on each access
 23 line subscriber, except as provided in subsection 5,
 24 equal to the lowest amount of the following:

- 25 (1) One dollar.
 26 (2) An amount less than one dollar, which would
 27 fully pay both recurring and nonrecurring costs of the
 28 E911 service system within five years from the date
 29 the maximum surcharge is imposed.
 30 (3) The maximum monetary limitation approved by
 31 referendum.

32 b. The surcharge shall be imposed by order of the
 33 ~~administrator~~ program manager as follows:

34 (1) The ~~administrator~~ program manager shall notify
 35 a local exchange service provider scheduled to provide
 36 exchange access line service to an E911 service area,
 37 that implementation of an E911 service plan has been
 38 approved by the joint ~~911~~ E911 service board and by
 39 the service area referendum, and that collection of
 40 the surcharge is to begin within one hundred days.

41 (2) ~~The notice shall be provided at least one~~
 42 ~~hundred days before the surcharge must be billed for~~
 43 ~~the first time~~ program manager shall also provide
 44 notice to all affected public safety answering points.

45 e. ~~The surcharge shall terminate at the end of~~
 46 ~~twenty four months, unless either, or both, of the~~
 47 ~~following conditions is met:~~

- 48 (1) ~~E911 service is initiated for all or a part of~~
 49 ~~the E911 service area.~~
 50 (2) ~~An extension is granted by the administrator~~

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1 ~~for good cause.~~

2 ~~d. The surcharge shall terminate at the end of~~
 3 ~~twenty four months if the joint E911 service plan has~~
 4 ~~not been approved by the administrator within eighteen~~
 5 ~~months of the original notice to the provider to~~
 6 ~~impose the surcharge, and shall not be reimposed until~~
 7 ~~a service plan is approved by the administrator and~~
 8 ~~the administrator gives providers notice as required~~
 9 ~~by paragraph "a", subparagraphs (1) and (2).~~

10 2. SURCHARGE COLLECTED BY LOCAL EXCHANGE SERVICE
 11 PROVIDERS.

12 a. The surcharge shall be collected as part of the
 13 access line service provider's periodic billing to a
 14 subscriber. In compensation for the costs of billing
 15 and collection, the local exchange service provider
 16 may retain one percent of the gross surcharges
 17 collected. If the compensation is insufficient to
 18 fully recover a local exchange service provider's
 19 costs for billing and collection of the surcharge, the
 20 deficiency shall be included in the local exchange
 21 service provider's costs for ratemaking purposes to
 22 the extent it is reasonable and just under section
 23 476.6. The surcharge shall be remitted to the E911
 24 service operating authority for deposit into the E911
 25 service fund quarterly by the local exchange service
 26 provider. The total amount for multiple exchanges may
 27 be combined.

28 b. A local exchange service provider is not liable
 29 for an uncollected surcharge for which the local
 30 exchange service provider has billed a subscriber but
 31 not been paid. The surcharge shall appear as a single
 32 line item on a subscriber's periodic billing entitled,
 33 "E911 emergency telephone service surcharge". The
 34 E911 service surcharge is not subject to sales or use
 35 tax.

36 c. The joint E911 service board may request, not
 37 more than once each quarter, the following information
 38 from the local exchange service provider:

39 (1) The identity of the exchange from which the
 40 surcharge is collected.

41 (2) The number of lines to which the surcharge was
 42 applied for the quarter.

43 (3) The number of refusals to pay per exchange if
 44 applicable.

45 (4) Write-offs applied per exchange if applicable.

46 (5) The number of lines exempt per exchange.

47 (6) The amount retained by the local exchange
 48 service provider generated from the one percent
 49 administration fee.

50 d. Access line counts and surcharge remittances

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1 are confidential public records as provided in section
2 34A.8.

3 3. MAXIMUM LIMIT PER SUBSCRIBER BILLING FOR
4 SURCHARGE. An individual subscriber shall not be
5 required to pay on a single periodic billing the
6 surcharge on more than one hundred access lines, or
7 their equivalent, in an E911 service area. A
8 subscriber shall pay the surcharge in each E911
9 service area in which the subscriber receives access
10 line service.

11 4. E911 SERVICE FUND. Each joint E911 service
12 board shall establish and maintain as a separate
13 account an E911 service fund. Any funds remaining in
14 the account at the end of each fiscal year shall not
15 revert to the general funds of the member political
16 subdivisions, except as provided in subsection 5, but
17 shall remain in the E911 service fund. Moneys in an
18 E911 service fund may only be used for nonrecurring
19 and recurring costs of the E911 service plan as
20 approved by the ~~administrator~~ program manager, as
21 those terms are defined by section 34A.2.

22 Sec. ____ Section 34A.7, subsection 5, paragraph
23 b, subparagraphs (2) and (3), Code 2003, are amended
24 to read as follows:

25 (2) If money remains in the fund after fully
26 paying for recurring costs incurred in the preceding
27 year, the remainder may be spent to pay for
28 nonrecurring costs, not to exceed actual nonrecurring
29 costs as approved by the ~~administrator~~ program
30 manager.

31 (3) If money remains in the fund after fully
32 paying obligations under subparagraphs (1) and (2),
33 the remainder may be accumulated in the fund as a
34 carryover operating surplus. If the surplus is
35 greater than twenty-five percent of the approved
36 annual operating budget for the next year, the
37 ~~administrator~~ program manager shall reduce the
38 surcharge by an amount calculated to result in a
39 surplus of no more than twenty-five percent of the
40 planned annual operating budget. After nonrecurring
41 costs have been paid, if the surcharge is less than
42 the maximum allowed and the fund surplus is less than
43 twenty-five percent of the approved annual operating
44 budget, the ~~administrator~~ program manager shall, upon
45 application of the joint E911 service board, increase
46 the surcharge in an amount calculated to result in a
47 surplus of twenty-five percent of the approved annual
48 operating budget. The surcharge may only be adjusted
49 once in a single year, upon one hundred days' prior
50 notice to the provider.

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1 Sec. ____ Section 34A.7A, subsection 1, Code 2003,
2 is amended to read as follows:

3 1. a. Notwithstanding section 34A.6, the
4 administrator shall adopt by rule a monthly surcharge
5 of up to ~~fifty sixty-five~~ cents to be imposed on each
6 wireless communications service number provided in
7 this state. The surcharge shall be imposed uniformly
8 on a statewide basis and simultaneously on all
9 wireless communications service numbers as provided by
10 rule of the administrator.

11 b. The ~~administrator program manager~~ shall provide
12 no less than one hundred days' notice of the surcharge
13 to be imposed to each wireless communications service
14 provider. The ~~administrator program manager~~, subject
15 to the ~~fifty sixty-five~~ cent limit in paragraph "a",
16 may adjust the amount of the surcharge as necessary,
17 but no more than once in any calendar year.

18 c. (1) The surcharge shall be collected as part
19 of the wireless communications service provider's
20 periodic billing to a subscriber. The surcharge shall
21 appear as a single line item on a subscriber's
22 periodic billing indicating that the surcharge is for
23 E911 emergency telephone service. In the case of
24 prepaid wireless telephone service, this surcharge
25 shall be remitted based upon the address associated
26 with the point of purchase, the customer billing
27 address, or the location associated with the mobile
28 telephone number for each active prepaid wireless
29 telephone that has a sufficient positive balance as of
30 the last days of the information, if that information
31 is available. The wireless E911 service surcharge is
32 not subject to sales or use tax.

33 (2) In compensation for the costs of billing and
34 collection, the wireless communications service
35 provider may retain one percent of the gross
36 surcharges collected.

37 (3) The surcharges shall be remitted quarterly by
38 the wireless communications service provider to the
39 ~~administrator program manager~~ for deposit into the
40 fund established in subsection 2.

41 (4) A wireless communications service provider is
42 not liable for an uncollected surcharge for which the
43 wireless communications service provider has billed a
44 subscriber but which has not been paid. ~~The surcharge~~
45 ~~shall appear as a single line item on a subscriber's~~
46 ~~periodic billing indicating that the surcharge is for~~
47 ~~E911 emergency telephone service. The E911 service~~
48 ~~surcharge is not subject to sales or use tax.~~

49 Sec. ____ Section 34A.7A, subsection 2, Code 2003,
50 is amended to read as follows:

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1 2. Moneys collected pursuant to subsection 1 shall
2 be deposited in a separate wireless E911 emergency
3 communications fund within the state treasury under
4 the control of the ~~administrator~~ program manager.
5 Section 8.33 shall not apply to moneys in the fund.
6 Moneys earned as income, including as interest, from
7 the fund shall remain in the fund until expended as
8 provided in this section. Moneys in the fund shall be
9 expended and distributed ~~annually as follows in the~~
10 following priority order:

11 a. An amount as appropriated by the general
12 assembly to the administrator shall be allocated to
13 the administrator and program manager for
14 implementation, support, and maintenance of the
15 functions of the administrator and program manager and
16 to employ the auditor of state to perform an annual
17 audit of the wireless E911 emergency communications
18 fund.

19 b. The program manager shall allocate twenty-one
20 percent of the total amount of surcharge generated to
21 wireless carriers to recover their costs to deliver
22 E911 phase 1 services. If the allocation in this
23 paragraph is insufficient to reimburse all wireless
24 carriers for such carrier's eligible expenses, the
25 program manager shall allocate a prorated amount to
26 each wireless carrier equal to the percentage of such
27 carrier's eligible expenses as compared to the total
28 of all eligible expenses for all wireless carriers for
29 the calendar quarter during which such expenses were
30 submitted. When prorated expenses are paid, the
31 remaining unpaid expenses shall no longer be eligible
32 for payment under this paragraph.

33 c. The program manager shall reimburse wire-line
34 carriers on a calendar quarter basis for carriers'
35 eligible expenses for transport costs between the
36 selective router and the public safety answering
37 points related to the delivery of wireless E911 phase
38 1 services.

39 ~~b. d. (1) The administrator shall retain funds~~
40 ~~necessary to reimburse wireless carriers for their~~
41 ~~costs to deliver E911 services. The administrator~~
42 ~~shall assure that wireless carriers recover all~~
43 ~~eligible costs associated with the implementation and~~
44 ~~operation of E911 services, including but not limited~~
45 ~~to hardware, software, and transport costs. The~~
46 ~~administrator shall adopt rules defining eligible~~
47 ~~costs which are consistent with federal law,~~
48 ~~regulations, and any order of a federal agency~~ program
49 manager shall reimburse wire-line carriers and third-
50 party E911 automatic location information database

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1 providers on a calendar quarterly basis for the costs
2 of maintaining and upgrading the E911 components and
3 functionalities beyond the input to the E911 selective
4 router, including the E911 selective router and the
5 automatic location information database.

6 ~~(2) The administrator shall provide for the~~
7 ~~reimbursement of wireless carriers on a quarterly~~
8 ~~basis. If the total amount of moneys available in the~~
9 ~~fund for the reimbursement of wireless carriers~~
10 ~~pursuant to subparagraph (1) is insufficient to~~
11 ~~reimburse all wireless carriers for such carriers'~~
12 ~~eligible expenses, the administrator shall remit an~~
13 ~~amount to each wireless carrier equal to the~~
14 ~~percentage of such carrier's eligible expenses as~~
15 ~~compared to the total of all eligible expenses for all~~
16 ~~wireless carriers for the calendar quarter during~~
17 ~~which such expenses were submitted.~~

18 e. The program manager shall apply an amount up to
19 five hundred thousand dollars per calendar quarter to
20 any outstanding wireless E911 phase 1 obligations
21 incurred pursuant to this chapter prior to July 1,
22 2004.

23 f. (1) The program manager shall allocate an
24 amount up to one hundred fifty-nine thousand dollars
25 per calendar quarter equally to the joint E911 service
26 boards and the department of public safety that have
27 submitted an annual written request to the program
28 manager in a form approved by the program manager by
29 May 15 of each year. The program manager shall
30 allocate to each joint E911 service board and to the
31 department of public safety a minimum of one thousand
32 dollars per calendar quarter for each public safety
33 answering point within the service area of the
34 department of public safety or joint E911 service
35 board.

36 (2) Upon retirement of outstanding obligations
37 referred to in paragraph "e", the amount allocated
38 under this paragraph "f" shall be twenty-four percent
39 of the total amount of surcharge generated per
40 calendar quarter allocated as follows:

41 (a) Sixty-five percent of the total dollars
42 available for allocation shall be allocated in
43 proportion to the square miles of the service area to
44 the total square miles in this state.

45 (b) Thirty-five percent of the total dollars
46 available for allocation shall be allocated in
47 proportion to the wireless E911 calls taken at the
48 public safety answering point in the service area to
49 the total number of wireless E911 calls originating in
50 this state.

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1 (c) Notwithstanding subparagraph subdivisions (a)
2 and (b), the minimum amount allocated to each joint
3 E911 service board and to the department of public
4 safety shall be no less than one thousand dollars for
5 each public safety answering point within the service
6 area of the department of public safety or joint E911
7 service board.

8 (3) The funds allocated in this paragraph “f”
9 shall be used for communication equipment located
10 inside the public safety answering points for the
11 implementation and maintenance of wireless E911 phase
12 2. The joint E911 service boards and the department
13 of public safety shall provide an estimate of phase 2
14 implementation costs to the program manager by January
15 1, 2005.

16 ~~e. (1) The remainder of the surcharge collected~~
17 ~~shall be remitted to the administrator for~~
18 ~~distribution to the joint E911 service boards and the~~
19 ~~department of public safety pursuant to subparagraph~~
20 ~~(2) to be used for the implementation of enhanced~~
21 ~~wireless communications capabilities.~~

22 g. If moneys remain in the fund after fully paying
23 all obligations under paragraphs “a” through “f”, the
24 remainder may be accumulated in the fund as a
25 carryover operating surplus. This surplus shall be
26 used to fund future phase 2 network and public safety
27 answering point improvements and wireless carriers’
28 transport costs related to wireless E911 services, if
29 those costs are not otherwise recovered by wireless
30 carriers through customer billing or other sources and
31 approved by the program manager. Notwithstanding
32 section 8.33, any moneys remaining in the fund at the
33 end of each fiscal year shall not revert to the
34 general fund of the state but shall remain available
35 for the purposes of the fund.

36 ~~(2) h.~~ The administrator, in consultation with the
37 program manager and the E911 communications council,
38 shall adopt rules pursuant to chapter 17A governing
39 the distribution of the surcharge collected and
40 distributed pursuant to this lettered paragraph
41 subsection. The rules shall include provisions that
42 all joint E911 service boards and the department of
43 public safety which answer or service wireless E911
44 calls are eligible to receive an equitable portion of
45 the receipts.

46 ~~A joint E911 service board or the department of~~
47 ~~public safety, to receive funds from the wireless E911~~
48 ~~emergency communications fund, must submit a written~~
49 ~~request for such funds to the administrator in a form~~
50 ~~as approved by the administrator. A request shall be~~

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1 for funding under an approved E911 service plan for
 2 equipment which is directly related to the reception
 3 and disposition of incoming wireless E911 calls. The
 4 administrator may approve the distribution of funds
 5 pursuant to such request if the administrator finds
 6 that the requested funding is for equipment necessary
 7 for the reception and disposition of such calls and
 8 that sufficient funds are available for such
 9 distribution.

10 If insufficient funds are available to fund all
 11 requests, the administrator shall fund requests in an
 12 order deemed appropriate by the administrator after
 13 considering factors including, but not limited to, all
 14 of the following:

15 (a) Documented volume of wireless E911 calls
 16 received by each public safety answering point.

17 (b) The population served by each public safety
 18 answering point.

19 (c) The number of wireless telephones in the
 20 public safety answering point jurisdiction.

21 (d) The public safety of the citizens of this
 22 state.

23 (e) Any other factor deemed appropriate by the
 24 administrator, in consultation with the E911
 25 communications council, and adopted by rule.

26 (3) 2A. a. The administrator program manager
 27 shall submit an annual report by January 15 of each
 28 year to the legislative government oversight committee
 29 advising the general assembly of the status of E911
 30 implementation and operations, including both ~~land-~~
 31 ~~line wire-line~~ and wireless services, ~~and~~ the
 32 distribution of surcharge receipts, and an accounting
 33 of the revenues and expenses of the E911 program.

34 b. The program manager shall submit a calendar
 35 quarter report of the revenues and expenses of the
 36 E911 program to the fiscal services division of the
 37 legislative services agency.

38 c. The legislative government oversight committee
 39 shall review the priorities of distribution of funds
 40 under this chapter at least every two years.

41 Sec. ____ Section 34A.7A, subsection 3, Code 2003,
 42 is amended to read as follows:

43 3. The amount collected from a wireless service
 44 provider and deposited in the fund, pursuant to
 45 section 22.7, subsection 6, information provided by a
 46 wireless service provider to the ~~administrator~~ program
 47 manager consisting of trade secrets, pursuant to
 48 section 22.7, subsection 3, and other financial or
 49 commercial operations information provided by a
 50 wireless service provider to the ~~administrator~~ program

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1 manager, shall be kept confidential as provided under
2 section 22.7. This subsection does not prohibit the
3 inclusion of information in any report providing
4 aggregate amounts and information which does not
5 identify numbers of accounts or customers, revenues,
6 or expenses attributable to an individual wireless
7 communications service provider.

8 Sec. ____ Section 34A.8, subsection 2, unnumbered
9 paragraph 2, Code 2003, is amended to read as follows:

10 The program manager, joint E911 service board, the
11 designated E911 service provider, and the public
12 safety answering point, their agents, employees, and
13 assigns shall use local exchange service information
14 provided by the local exchange service provider solely
15 for the purposes of providing E911 emergency telephone
16 service, and it shall otherwise be kept confidential.
17 A person who violates this section is guilty of a
18 simple misdemeanor.

19 Sec. ____ Section 34A.9, Code 2003, is amended to
20 read as follows:

21 34A.9 TELECOMMUNICATIONS DEVICES FOR THE DEAF
22 SPEECH AND HEARING-IMPAIRED.

23 ~~By January 1, 1990, each county~~ Each public safety
24 answering point shall provide for the installation and
25 use of ~~at least one~~ telecommunications device devices
26 ~~for the deaf at a public safety answering point~~ speech
27 and hearing-impaired.

28 Sec. ____ NEW SECTION. 34A.10 E911 SELECTIVE
29 ROUTER.

30 On and after July 1, 2004, only the program manager
31 shall approve access to the E911 selective router.

32 Sec. ____ Section 34A.15, Code 2003, is amended by
33 adding the following new subsection:

34 NEW SUBSECTION. 1A. The auditor of state or the
35 auditor of state's designee shall serve as an ex
36 officio nonvoting member.

37 Sec. ____ Section 34A.15, subsection 2, Code 2003,
38 is amended to read as follows:

39 2. The council shall advise and make
40 recommendations to the administrator and program
41 manager regarding the implementation of this chapter.
42 Such advice and recommendations shall be provided on
43 issues at the request of the administrator or program
44 manager or as deemed necessary by the council.

45 Sec. ____ Section 16.161, unnumbered paragraph 1,
46 Code 2003, is amended to read as follows:

47 The authority shall assist the ~~administrator~~
48 program manager, appointed pursuant to section 34A.2A,
49 as provided in chapter 34A, subchapter II, and the
50 authority shall have all of the powers delegated to it

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1 by a joint E911 service board or the department of
 2 public defense in a chapter 28E agreement with respect
 3 to the issuance and securing of bonds or notes and the
 4 carrying out of the purposes of chapter 34A.””
 5 14. Title page, by striking lines 1 through 3 and
 6 inserting the following: “An Act making, reducing,
 7 and transferring appropriations, providing for
 8 government and economic development-related taxation,
 9 surcharge, and fee matters, providing for other
 10 properly related matters, and including penalty and
 11 effective and retroactive and other applicability date
 12 provisions.”

JEFF ANGELO

S-5385

HOUSE AMENDMENT TO
 SENATE AMENDMENT TO
 HOUSE FILE 2577

1 Amend the Senate amendment, H-8608, to House File
 2 2577, as amended, passed, and reprinted by the House,
 3 as follows:
 4 1. Page 1, by inserting after line 2, the
 5 following:
 6 “___ Page 8, by inserting after line 9, the
 7 following:
 8 “Sec. ___. Section 142A.3, subsection 2, Code
 9 2003, is amended to read as follows:
 10 2. A commission on tobacco use prevention and
 11 control is established to develop policy, provide
 12 direction for the initiative, and perform all other
 13 duties related to the initiative and other tobacco use
 14 prevention and control activities as directed by this
 15 chapter or referred to the commission by the director
 16 of public health.
 17 Sec. ___. Section 142A.4, Code 2003, is amended by
 18 adding the following new subsection:
 19 NEW SUBSECTION. 12A. Represented by the
 20 chairperson of the commission, annually appear before
 21 the joint appropriations subcommittee that makes
 22 recommendations concerning the commission’s budget to
 23 report on budget expenditures and division operations
 24 relative to the prior fiscal year and the current
 25 fiscal year.
 26 Sec. ___. Section 142A.5, subsection 1, paragraph
 27 b, Code Supplement 2003, is amended to read as
 28 follows:
 29 b. Employ a separate division administrator ~~who~~,

30 in accordance with the requirements of section 142A.4,
 31 subsection 14, in a full-time equivalent position
 32 whose sole responsibility and duty shall be
 33 ~~responsible for~~ the administration and oversight of
 34 the division. The division administrator shall report
 35 to and shall serve at the pleasure of the director.
 36 The administrator shall be exempt from the merit
 37 system provisions of chapter 8A, subchapter IV.
 38 Sec. ____ Section 142A.5, subsection 2, Code
 39 Supplement 2003, is amended by adding the following
 40 new paragraph:
 41 NEW PARAGRAPH. g. Provide necessary information
 42 to the commission to assist the commission in making
 43 its annual report to the joint appropriations
 44 subcommittee pursuant to section 142A.4, subsection
 45 12A, and in fulfilling other commission duties
 46 pursuant to section 142A.4.”
 47 2. By striking page 1, line 45, through page 2,
 48 line 6.
 49 3. By renumbering as necessary.

S-5386

1 Amend Senate File 2310 as follows:
 2 1. Page 4, by inserting after line 26 the
 3 following:
 4 “Sec. ____ Section 602.6401, Code 2003, is amended
 5 by adding the following new subsection:
 6 NEW SUBSECTION. 5. A county of appointment and a
 7 county that is not the county of appointment shall not
 8 share a part-time magistrate.”
 9 2. Page 4, line 34, by inserting after the word
 10 “office.” the following: “The magistrate appointing
 11 commission shall first consider applicants who will be
 12 a resident of the county of appointment during the
 13 term of the appointment.”
 14 3. By renumbering as necessary.

KEITH A. KREIMAN

S-5387

1 Amend the amendment, S-5384, to the House
 2 amendment, S-5383, to Senate File 2298, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 42, by inserting after line 45 the
 5 following:
 6 “(5) For the fiscal year beginning July 1, 2008,
 7 and ending June 30, 2009, the sum of five million
 8 dollars.
 9 (6) For the fiscal year beginning July 1, 2009,
 10 and ending June 30, 2010, the sum of five million

11 dollars.”
 12 2. Page 43, by inserting after line 8 the
 13 following:
 14 “(4) For the fiscal year beginning July 1, 2008,
 15 and ending June 30, 2009, the sum of seven million
 16 dollars.
 17 (5) For the fiscal year beginning July 1, 2009,
 18 and ending June 30, 2010, the sum of seven million
 19 dollars.”

STEVE KETTERING

S-5388

1 Amend the House amendment, S-5383, to Senate File
 2 2298, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 28, by inserting after line 31 the
 5 following:
 6 “____. Page 182, by inserting after line 12 the
 7 following:
 8 “Sec. ____ Section 91D.1, subsection 1, Code 2003,
 9 is amended by adding the following new paragraph:
 10 NEW PARAGRAPH. bb. Every employer, as defined in
 11 the federal Fair Labor Standards Act and federal
 12 regulations adopted pursuant to that Act effective on
 13 July 1, 2000, shall pay to each of the employer’s
 14 employees, as defined in the federal Fair Labor
 15 Standards Act and federal regulations adopted pursuant
 16 to that Act effective on July 1, 2000, one and one-
 17 half times their base rate of pay for each hour worked
 18 in excess of forty hours in each and every workweek.”
 19 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.
 DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 MIKE CONNOLLY
 THOMAS G. COURTNEY
 DICK L. DEARDEN
 ROBERT E. DVORSKY
 GENE FRAISE
 MICHAEL E. GRONSTAL
 JACK HATCH
 JACK HOLVECK
 WALLY E. HORN
 JOHN P. KIBBIE
 KEITH a. KREIMAN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN

JOE M. SENG
ROGER STEWART
STEVE WARNSTADT

S-5389

1 Amend the House amendment, S-5383, to Senate File
2 2298, as amended, passed, and reprinted by the Senate,
3 as follows:
4 1. By striking page 25, line 49, through page 26,
5 line 22.

DENNIS H. BLACK

S-5390

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 7, line 47, by inserting before the word
5 "Of" the following: "a."
6 2. Page 8, line 4, by striking the word
7 "unnumbered" and inserting the following: "lettered".
8 3. Page 8, by inserting after line 9 the
9 following:
10 "b. Of the amount appropriated in this subsection,
11 \$500,000 is appropriated for the establishment and
12 operation of a state veterans cemetery.
13 c. Of the amount appropriated in this subsection,
14 \$250,000 is appropriated to and shall be used by the
15 commission of veterans affairs for the veterans home
16 modification grant program. Notwithstanding section
17 8.33, moneys appropriated in this lettered paragraph
18 that remain unencumbered or unobligated at the close
19 of the fiscal year shall not revert but shall remain
20 available for expenditure for the purposes designated
21 until the close of the succeeding fiscal year or when
22 the project is completed, whichever is later.
23 d. For the purposes of this subsection, "veteran"
24 means the same as defined in section 35.1 or a
25 resident of this state who served in the armed forces
26 of the United States, completed a minimum aggregate of
27 ninety days of active federal service, and was
28 discharged under honorable conditions.
29 e. A veterans home modification grant program is
30 created under the control of the commission. The
31 veterans home modification grant program shall provide
32 grants to veterans who have a service-connected,
33 permanent disability, rating less than fifty percent
34 as verified by the United States department of
35 veterans affairs or a branch of the United States
36 armed forces. Grants shall be awarded for home

37 modifications that are designed to meet the needs of
 38 the veteran with the disability who will be residing
 39 in the home.

40 f. It is the intent of the general assembly that
 41 the program be equitably accessible to eligible
 42 veterans throughout the state.

43 g. The commission shall adopt rules pursuant to
 44 chapter 17A to administer the program.

45 (1) The rules shall establish criteria for the
 46 awarding of grants, including the maximum amount
 47 available per grant. In determining the maximum
 48 amount available per grant, the commission shall
 49 consider the number of potential recipients statewide.

50 (2) The rules shall provide that eligible

Page 2

1 modifications may include but are not limited to any
 2 of the following:

- 3 (a) Bathroom modifications.
- 4 (b) Installation of grab bars and handrails.
- 5 (c) Kitchen modifications.
- 6 (d) Lifting devices.
- 7 (e) Main-level bathroom or bedroom additions.
- 8 (f) Ramp additions or repair.
- 9 (g) Sidewalk additions or repair.
- 10 (h) The widening of doorways or hallways.

11 (3) The rules shall specify the types of eligible
 12 residences, which shall include but are not limited to
 13 single-family residences owned by the veteran.

14 (4) The rules shall provide for a waiting list
 15 system to be instituted if the total amount of the
 16 grants awarded in a fiscal year exceeds available
 17 funding for that fiscal year.”

18 3. By renumbering as necessary.

STEVE WARNSTADT

S-5391

1 Amend the amendment, S-5384, to the House
 2 amendment, S-5383, to Senate File 2298, as amended,
 3 passed, and reprinted by the Senate, as follows:

4 1. Page 19, by inserting after line 23, the
 5 following:

6 “Sec. ____ HOUSING TRUST FUND. There is
 7 appropriated from the ending balance surplus in the
 8 general fund of the state for the fiscal year
 9 beginning July 1, 2004, and ending June 30, 2005,
 10 prior to any other distribution of the ending balance
 11 otherwise required by section 8.57 or any other law,
 12 to the housing trust fund created in section 16.181,

13 the following amount, or so much thereof as is
 14 necessary, to be used for the purposes designated:
 15 For the local housing trust fund program as
 16 provided in section 16.181:
 17 \$ 500,000”
 18 2. By renumbering as necessary.

ROBERT E. DVORSKY

S-5392

1 Amend the amendment, S-5384, to the House
 2 amendment, S-5383, to Senate File 2298, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 10, line 2, by inserting after the word
 5 ““c”” the following: “Of the available moneys in the
 6 pooled technology account, \$100,000 shall be
 7 transferred to the state department of transportation
 8 to be used for establishment of a revolving fund for
 9 provision of loan guarantee or credit risk premium
 10 assistance for Iowa-based federal railroad
 11 administration classified class I and class II
 12 railroads. The loan guarantees or credit risk premium
 13 assistance made from the revolving fund shall be used
 14 to support applications to the federal railroad
 15 rehabilitation and improvement financing program by
 16 such classified railroads.”

AMANDA RAGAN

S-5393

1 Amend the amendment, S-5384, to the House
 2 amendment, S-5383, to Senate File 2298, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 28, by inserting after line 47 the
 5 following:
 6 “Sec. __. Section 432.1, subsection 6, paragraph
 7 b, unnumbered paragraph 1, Code Supplement 2003, is
 8 amended to read as follows:
 9 In addition to the prepayment amount in paragraph
 10 “a”, each life insurance company or association which
 11 is subject to tax under subsection 1 of this section
 12 and each mutual health service corporation which is
 13 subject to tax under section 432.2 shall remit on or
 14 before ~~June 30~~ August 15, on a prepayment basis, an
 15 additional amount equal to the following percent of
 16 the premium tax liability for the preceding calendar
 17 year as follows:
 18 Sec. __. Section 432.1, subsection 6, paragraph
 19 c, unnumbered paragraph 1, Code Supplement 2003, is
 20 amended to read as follows:

21 In addition to the prepayment amount in paragraph
22 "a", each insurance company or association, other than
23 a life insurance company or association, which is
24 subject to tax under subsection 3 shall remit on or
25 before ~~June 30~~ August 15, on a prepayment basis, an
26 additional amount equal to the following percent of
27 the premium tax liability for the preceding calendar
28 year as follows:

29 Sec. ____ Section 518.18, subsection 3, paragraph
30 b, unnumbered paragraph 1, Code Supplement 2003, is
31 amended to read as follows:

32 In addition to the prepayment amount in paragraph
33 "a", each association shall remit on or before ~~June 30~~
34 August 15, on a prepayment basis, an additional amount
35 equal to the following percent of the premium tax
36 liability for the preceding calendar year as follows:

37 Sec. ____ Section 518A.35, subsection 3, paragraph
38 b, unnumbered paragraph 1, Code Supplement 2003, is
39 amended to read as follows:

40 In addition to the prepayment amount in paragraph
41 "a", each association shall remit on or before ~~June 30~~
42 August 15, on a prepayment basis, an additional amount
43 equal to the following percent of the premium tax
44 liability for the preceding calendar year as follows:"

45 2. Page 30, by inserting after line 6 the
46 following:

47 "Sec. ____ EFFECTIVE DATE. The sections of this
48 division of this Act amending sections 432.1, 518.18,
49 and 518A.35, being deemed of immediate importance,
50 take effect upon enactment."

LARRY MCKIBBEN

S-5394

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the House, as follows:

- 4 1. Page 3, by striking lines 18 and 19.
- 5 2. Page 5, by inserting after line 1 the
- 6 following:

7 "____. For deposit in the community attraction and
8 tourism fund, notwithstanding section 8.57, subsection
9 5, paragraph "c":

10 FY 2004-2005 \$ 1,770,000

11 Of the funds appropriated in this lettered
12 paragraph, \$200,000 shall be used for a grant for a
13 utility development business park located in Clinton."

- 14 3. By renumbering as necessary.

ROGER STEWART

S-5395

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 10, line 2, by inserting after the word
5 ““c.”” the following: “Of the available moneys in the
6 pooled technology account, \$150,000 shall be
7 transferred to the state department of transportation
8 to be used for the establishment of a revolving loan
9 fund for loans to provide new or rehabilitated track
10 for the shipment of commodities by cooperative
11 associations. The loan requirements shall provide a
12 preference to cooperative associations that do not
13 have railcar loading facilities and shall limit
14 eligibility to those rehabilitation projects involving
15 a maximum capacity of 25 railcars.”

AMANDA RAGAN

S-5396

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 8, by inserting after line 26, the
5 following:
6 “Of the amount allocated by the state board of
7 regents to Iowa state university of science and
8 technology, \$100,000 shall be provided in the form of
9 a grant to the city of Ames to address costs incurred
10 as a result of the violent behavior of students during
11 the 2004 VEISHEA celebration.”

BRYAN J. SIEVERS
BOB BRUNKHORST
STEVE KETTERING**S-5397**

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the Senate, as follows:
4 1. Page 6, line 12, by striking the figure
5 “500,000” and inserting the following: “3,000,000”.

HERMAN C. QUIRMBACH
JOE BOLKCOM

S-5398

- 1 Amend the amendment, S-5384, to the House
- 2 amendment, S-5383, to Senate File 2298, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. By striking page 42, line 46, through page 43,
- 5 line 8.
- 6 2. Page 43, line 9, by inserting before the word
- 7 "Notwithstanding" the following: "b."

STEVE WARNSTADT

S-5399

- 1 Amend the amendment, S-5384, to the House
- 2 amendment, S-5383, to Senate File 2298, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 19, by inserting after line 23, the
- 5 following:
- 6 "Sec. ____ DESTINATION STATE PARK. There is
- 7 appropriated from the ending balance surplus in the
- 8 general fund of the state for the fiscal year
- 9 beginning July 1, 2004, and ending June 30, 2005,
- 10 prior to any other distribution of the ending balance
- 11 otherwise required by section 8.57 or any other law,
- 12 to the department of natural resources, the following
- 13 amount, or so much thereof as is necessary, to be used
- 14 for the purposes designated:
- 15 For costs associated with the planning, design, and
- 16 construction of a premier destination state park:
- 17 \$ 3,000,000"
- 18 2. By renumbering as necessary.

KEITH A. KREIMAN

S-5400

- 1 Amend the amendment, S-5384, to the House
- 2 amendment, S-5383, to Senate File 2298, as amended,
- 3 passed, and reprinted by the Senate, as follows:
- 4 1. Page 19, by inserting after line 23, the
- 5 following:
- 6 "Sec. ____ COMMUNITY-BASED CORRECTIONS FACILITY —
- 7 FORT DODGE. There is appropriated from the ending
- 8 balance surplus in the general fund of the state for
- 9 the indicated fiscal years prior to any other
- 10 distribution of the ending balance otherwise required
- 11 by section 8.57 or any other law, to the department of
- 12 corrections, the following amounts, or so much thereof
- 13 as is necessary, to be used for the purposes
- 14 designated:
- 15 For the construction of a community-based

16 correctional facility in Fort Dodge:
 17 FY 2004–2005 \$ 1,500,000
 18 FY 2005–2006 \$ 1,400,000”
 19 2. By renumbering as necessary.

DARYL BEALL

S-5401

1 Amend the House amendment, S-5383, to Senate File
 2 2298, as amended, passed, and reprinted by the Senate,
 3 as follows:
 4 1. Page 10, line 5, by striking the figure
 5 “45,283,894” and inserting the following:
 6 “47,363,894”.
 7 2. Page 11, by inserting after line 43 the
 8 following:
 9 “__. Page 51, by inserting after line 17 the
 10 following:
 11 “Sec. __. SCHOOL FINANCE FORMULA APPROPRIATION.
 12 Notwithstanding section 8.22A, subsection 3, or any
 13 other provision of law to the contrary, the revenue
 14 estimate agreed to by the revenue estimating
 15 conference at its March 19, 2004, meeting shall be
 16 used in determining the state general fund expenditure
 17 limitation for the fiscal year beginning July 1, 2004.
 18 The amount of the increase in the expenditure
 19 limitation over the limitation based upon the revenue
 20 estimate agreed to by the revenue estimating
 21 conference at its December 8, 2003, meeting shall be
 22 appropriated to the department of education for
 23 distribution pursuant to section 257.16 to pay
 24 foundation aid and supplementary aid under section
 25 257.4, subsection 2. The amount appropriated in this
 26 section shall be distributed on a per pupil basis to
 27 school districts based upon the district’s budget
 28 enrollment.””
 29 3. Page 30, by inserting after line 21 the
 30 following:
 31 “__. Page 185, by striking lines 10 through 31.”

MIKE CONNOLLY
 ROBERT E. DVORSKY

S-5402

1 Amend the amendment, S-5384, to the House
 2 amendment, S-5383, to Senate File 2298, as amended,
 3 passed, and reprinted by the Senate, as follows:
 4 1. Page 77, by inserting after line 4 the
 5 following:
 6 “DIVISION __

SEX OFFENDER REGISTRY

7
8 Sec. ____ Section 22.7, Code Supplement 2003, is
9 amended by adding the following new subsection:
10 NEW SUBSECTION. 48. Sex offender registry records
11 under chapter 692A, except as provided in section
12 692A.13.

13 Sec. ____ Section 229A.8A, subsection 4, Code
14 Supplement 2003, is amended to read as follows:

15 4. ~~For purposes of registering as a sex offender~~
16 ~~under chapter 692A, a person placed in the~~
17 ~~transitional release program shall be classified a~~
18 ~~“high risk” sex offender and public notification shall~~
19 ~~be as provided in section 692A.13A, subsection 2. A~~
20 committed person who refuses to register as a sex
21 offender is not eligible for placement in a
22 transitional release program.

23 Sec. ____ Section 692A.13, Code Supplement 2003,
24 is amended by striking the section and inserting in
25 lieu thereof the following:

692A.13 AVAILABILITY OF RECORDS.

27 1. The department may provide relevant information
28 from the sex offender registry to the following:

- 29 a. A criminal or juvenile justice agency, an
30 agency of the state, any sex offender registry of
31 another state, or the federal government.
- 32 b. The general public through the sex offender
33 registry’s web page, except that relevant information
34 about an offender who was under twenty years of age at
35 the time the offender committed a violation of section
36 709.4, subsection 2, paragraph “c”, subparagraph (4),
37 shall not be disclosed on the web page.
- 38 c. The single contact repository established
39 pursuant to section 135C.33, in accordance with the
40 rules adopted by the department.

41 2. A criminal or juvenile justice agency may
42 provide relevant information from the sex offender
43 registry to the following:

- 44 a. A criminal or juvenile justice agency, an
45 agency of the state, or any sex offender registry of
46 another state, or the federal government.
- 47 b. The general public, including public and
48 private agencies, organizations, public places, public
49 and private schools, child care facilities, religious
50 and youth organizations, neighbors, neighborhood

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- 1 associations, community meetings, and employers.
- 2 Registry information may be distributed to the public
- 3 through printed materials, visual or audio press
- 4 releases, or through a criminal or juvenile justice
- 5 agency’s web page.

6 3. Any member of the public may contact a county
7 sheriff's office or police department to request
8 relevant information from the registry regarding a
9 specific person required to register under this
10 chapter. The request for information shall be in
11 writing, and shall include the name of the person and
12 at least one of the following identifiers pertaining
13 to the person about whom the information is sought:

- 14 a. The date of birth of the person.
- 15 b. The social security number of the person.
- 16 c. The address of the person.

17 4. A county sheriff shall also provide to any
18 person upon request access to a list of all
19 registrants in that county. However, records of a
20 person protected under 18 U.S.C. § 3521 shall not be
21 disclosed.

22 5. Relevant information provided to the general
23 public may include the offender's name, address, a
24 photograph, locations frequented by the offender,
25 relevant criminal history information from the
26 registry, and any other relevant information.
27 Relevant information provided to the public shall not
28 include the identity of any victim.

29 6. Notwithstanding sections 232.147 through
30 232.151, records concerning convictions which are
31 committed by a minor may be released in the same
32 manner as records of convictions of adults.

33 7. Sex offender registry records are confidential
34 records pursuant to section 22.7 and shall only be
35 released as provided in this section.

36 Sec. ____ Section 901.4, Code Supplement 2003, is
37 amended to read as follows:

38 901.4 PRESENTENCE INVESTIGATION REPORT
39 CONFIDENTIAL — DISTRIBUTION.

40 The presentence investigation report is
41 confidential and the court shall provide safeguards to
42 ensure its confidentiality, including but not limited
43 to sealing the report, which may be opened only by
44 further court order. At least three days prior to the
45 date set for sentencing, the court shall serve all of
46 the presentence investigation report upon the
47 defendant's attorney and the attorney for the state,
48 and the report shall remain confidential except upon
49 court order. However, the court may conceal the
50 identity of the person who provided confidential

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1 information. The report of a medical examination or
2 psychological or psychiatric evaluation shall be made
3 available to the attorney for the state and to the
4 defendant upon request. The reports are part of the

5 record but shall be sealed and opened only on order of
6 the court. If the defendant is committed to the
7 custody of the Iowa department of corrections and is
8 not a class "A" felon, a copy of the presentence
9 investigation report shall be forwarded to the
10 director with the order of commitment by the clerk of
11 the district court and to the board of parole at the
12 time of commitment. Pursuant to section 904.602, the
13 presentence investigation report may also be released
14 by the department of corrections or a judicial
15 district department of correctional services to
16 another jurisdiction for the purpose of providing
17 interstate probation and parole compact services or
18 evaluations, or to a substance abuse or mental health
19 services provider when referring a defendant for
20 services. The defendant or the defendant's attorney
21 may file with the presentence investigation report, a
22 denial or refutation of the allegations, or both,
23 contained in the report. The denial or refutation
24 shall be included in the report. If the person is
25 sentenced for an offense which requires registration
26 under chapter 692A, the court shall release the report
27 to the department ~~which is responsible under section~~
28 ~~692A.13A for performing the assessment of risk.~~
29 Sec. ____ Section 692A.13A, Code 2003, is
30 repealed.

31 Sec. ____ APPLICABILITY OF AVAILABLE RECORDS IN
32 THE SEX OFFENDER REGISTRY. Section 692A.13, as
33 amended by this division of this Act, shall apply
34 retroactively to all offenders on the registry.

35 Sec. ____ EFFECTIVE DATE. This division of this
36 Act, being deemed of immediate importance, takes
37 effect upon enactment.”

38 2. By renumbering as necessary.

DONALD B. REDFERN

S-5403

1 Amend the amendment, S-5384, to the House
2 amendment, S-5383, to Senate File 2298, as amended,
3 passed, and reprinted by the Senate, as follows:

4 1. Page 7, by inserting after line 35 the
5 following:

6 “____. For acquiring, constructing, and improving
7 recreational trails within the state, notwithstanding
8 section 8.57, subsection 5, paragraph “c”:

9 FY 2004–2005 \$ 3,000,00”

HERMAN C. QUIRMBACH
JOE BOLKCOM

S-5404

1 Amend Senate File 2258 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 2003, is amended to read as follows:

6 6. For filing an application for the license to

7 marry, thirty-five dollars, which includes payment for

8 one certified copy of the original certificate of

9 marriage, to be issued following filing of the

10 original certificate of marriage, four dollars of

11 which shall be retained by the county pursuant to

12 subsection 5. For issuing an application for an order

13 of the district court authorizing the validation of a

14 license to marry before the expiration of ~~three~~ the

15 number of days specified in section 595.4, from the

16 date of issuance of the license, five dollars. The

17 district court shall authorize the early validation of

18 a marriage license without the payment of any fees

19 imposed in this subsection upon showing that the

20 applicant is unable to pay the fees.

21 Sec. 2. **NEW SECTION.** 595.3B APPLICATION —
22 PREMARITAL EDUCATION.

23 1. An application form for a marriage license

24 shall have attached a certificate form to be used by

25 the parties to document completion of premarital

26 education by the parties. The certificate shall be

27 completed by the parties and signed by the person who

28 provided the premarital education. The certificate

29 shall be filed with the verified application in

30 accordance with section 595.4. The certificate form

31 shall require provision of all of the following

32 information:

33 a. The name of the person providing the premarital

34 education and the person's signature verifying

35 completion of the premarital education by the parties.

36 b. The number of hours of premarital education

37 completed.

38 2. Only premarital education provided by the

39 following persons shall be accepted to document

40 completion under this section:

41 a. A person ordained or designated as a leader of

42 a party's religious faith or the person's designee.

43 b. A person licensed to practice psychology

44 pursuant to chapter 154B.

45 c. A person licensed to practice social work as a

46 licensed master social worker or a licensed

47 independent social worker pursuant to chapter 154C.

48 d. A person licensed to practice marital and

49 family therapy or mental health counseling pursuant to

50 chapter 154D.

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1 e. An advanced registered nurse practitioner
 2 licensed pursuant to chapter 152 who specializes in
 3 adult psychiatric services.

4 Sec. 3. Section 595.4, Code 2003, is amended to
 5 read as follows:

6 595.4 AGE AND QUALIFICATION — VERIFIED
 7 APPLICATION — WAITING PERIOD — ~~EXCEPTION~~ EXCEPTIONS

8 1. Previous Prior to the issuance of any license
 9 to marry, the parties desiring the license shall sign
 10 and file a verified application with the county
 11 registrar which application either may be mailed to
 12 the parties at their request or may be signed by them
 13 at the office of the county registrar in the county in
 14 which the license is to be issued. The application
 15 shall include the social security number of each
 16 applicant and shall set forth at least one affidavit
 17 of some competent and disinterested person stating the
 18 facts as to age and qualification of the parties.

19 Upon the filing of the application for a license to
 20 marry, the county registrar shall file the application
 21 in a record kept for that purpose and shall take all
 22 necessary steps to ensure the confidentiality of the
 23 social security number of each applicant. All
 24 information included on an application may be provided
 25 as mutually agreed upon by the division of records and
 26 statistics and the child support recovery unit,
 27 including by automated exchange.

28 2. Upon receipt of a verified application, the
 29 county registrar may issue the license ~~which shall not~~
 30 ~~become valid until the expiration of three days after~~
 31 ~~the date of issuance of the license.~~ If the license
 32 has not been issued within six months from the date of
 33 the application, the application is void.

34 3. A license issued under subsection 2 shall
 35 become valid as follows:

36 a. If the parties desiring the license have
 37 participated in premarital education and submit
 38 documentation verifying completion of premarital
 39 education in accordance with section 595.3B, the
 40 license shall become valid upon the expiration of
 41 three days after the date of issuance of the license.

42 b. If the parties desiring the license have not
 43 participated in premarital education or do not submit
 44 documentation verifying completion of premarital
 45 education in accordance with section 595.3B, the
 46 license shall not become valid until the expiration of
 47 twenty days after the date of issuance of the license.

48 4. A license to marry may be validated prior to
 49 the expiration of ~~three~~ the number of days specified
 50 in subsection 3 from the date of issuance of the

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1 license in cases of emergency or extraordinary
2 circumstances. An order authorizing the validation of
3 a license may be granted by a judge of the district
4 court under conditions of emergency or extraordinary
5 circumstances upon application of the parties filed
6 with the county registrar. ~~No An order may shall not~~
7 be granted unless the parties have filed an
8 application for a marriage license in a county within
9 the judicial district. An application for an order
10 shall be made on forms furnished by the county
11 registrar at the same time the application for the
12 license to marry is made. After examining the
13 application for the marriage license and issuing the
14 license, the county registrar shall refer the parties
15 to a judge of the district court for action on the
16 application for an order authorizing the validation of
17 a marriage license prior to expiration of ~~three the~~
18 number of days specified in subsection 3 from the date
19 of issuance of the license. The judge shall, if
20 satisfied as to the existence of an emergency or
21 extraordinary circumstances, grant an order
22 authorizing the validation of a license to marry prior
23 to the expiration of ~~three the number of~~
24 specified in subsection 3 from the date of issuance of
25 the license to marry. The county registrar shall
26 validate a license to marry upon presentation by the
27 parties of the order authorizing a license to be
28 validated. A fee of five dollars shall be paid to the
29 county registrar at the time the application for the
30 order is made, which fee is in addition to the fee
31 prescribed by law for the issuance of a marriage
32 license.

33 Sec. 4. NEW SECTION. 598.7B PARENTING PLANS.

34 1. Beginning October 1, 2004, the parties to a
35 petition for dissolution of marriage, annulment, or
36 separate maintenance that involves minor children or
37 to an application for a motion to modify an order
38 involving custody or visitation shall submit a
39 proposed parenting plan, either individually or
40 jointly, within thirty days after the service of
41 process of the petition for dissolution of marriage,
42 annulment, or separate maintenance, or the application
43 for a motion to modify an order involving custody or
44 visitation. The proposed parenting plan shall specify
45 the arrangements that the party believes to be in the
46 best interest of any minor child and shall specify
47 other details as required by rules prescribed by the
48 supreme court.

49 2. The supreme court shall prescribe rules no
50 later than September 1, 2004, establishing guidelines

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1 for a parenting plan form which may be used by the
 2 parties in any dissolution of marriage, annulment,
 3 legal separation, or modification proceeding involving
 4 the issues of custody and visitation. Beginning
 5 September 1, 2004, the clerk of the district court
 6 shall furnish parenting plan forms to the parties in a
 7 dissolution of marriage, annulment, or separate
 8 maintenance action or modification proceeding
 9 involving custody or visitation, without cost to the
 10 parties.

11 Sec. 5. EFFECTIVE DATE. The provision of the
 12 section of this Act enacting section 598.7B that
 13 directs the supreme court to prescribe rules regarding
 14 the guidelines for parenting plans, being deemed of
 15 immediate importance, takes effect upon enactment.”

16 2. Title page, by striking line 1 and inserting
 17 the following: “An Act establishing marriage and
 18 domestic relations requirements and providing an
 19 effective date.”

NEAL SCHUERER

S-5405

1 Amend House File 2455, as amended, passed, and
 2 reprinted by the House, as follows:

- 3 1. Page 1, by striking lines 1 through 15.
- 4 2. Page 1, by striking line 20 and inserting the
 5 following: “document whether premarital education was
 6 completed by the parties.”
- 7 3. Page 1, by inserting after line 25, the
 8 following:
 9 “a. If premarital education was or was not
 10 completed by the parties.
 11 b. If premarital education was completed by the
 12 parties, all of the following information:”
- 13 4. Page 1, line 26, by striking the word “a.” and
 14 inserting the following: “(1)”.
- 15 5. Page 1, line 29, by striking the word “b.” and
 16 inserting the following: “(2)”.
- 17 6. By striking page 2, line 10, through page 4,
 18 line 10.
- 19 7. By renumbering as necessary.

MATT W. McCOY

RESOLUTIONS ADOPTED

EIGHTIETH GENERAL ASSEMBLY 2004 REGULAR SESSION

SENATE JOINT RESOLUTIONS

SENATE JOINT RESOLUTION 2007: filed February 11, 2004; adopted by the Senate on February 24, 2004; adopted by the House on March 17, 2004; printed on Senate Journal page 305.

SENATE JOINT RESOLUTION 2009: filed February 19, 2004; adopted by the Senate on March 16, 2004; adopted by the House on March 30, 2004; printed on Senate Journal page 557.

SENATE JOINT RESOLUTION 2010: filed March 25, 2004; adopted by the Senate on March 30, 2004; adopted by the House on April 16, 2004; printed on Senate Journal page 770.

SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 106: filed February 23, 2004; adopted by the Senate on March 11, 2004; adopted by the House on March 11, 2004.

1 SENATE CONCURRENT RESOLUTION 106
2 By: Tinsman and Holveck
3 (COMPANION TO HCR 109)
4 A concurrent resolution designating March 2004 as
5 Iowa Women's History Month.
6 WHEREAS, Iowa women of every race, class, and
7 ethnic background have made historic contributions to
8 the growth and strength of our state and nation in
9 countless recorded and unrecorded ways, including
10 through the struggle for women's rights; and
11 WHEREAS, Iowa women have played and continue to
12 play a critical economic, cultural, and social role by
13 constituting a significant portion of the labor force
14 working inside and outside the home despite being
15 underpaid; and
16 WHEREAS, Iowa women were particularly important in
17 the establishment of early charitable, philanthropic,
18 and cultural institutions in our state and nation; and
19 WHEREAS, Iowa women and men finally amended the

20 Constitution of the State of Iowa to provide that “All
 21 men and women are, by nature, free and equal, and have
 22 certain inalienable rights ...”; and
 23 WHEREAS, Iowa women have been leaders in the
 24 abolitionist movement, the emancipation movement, the
 25 industrial labor movement, the civil rights movement,
 26 the peace movement, and the women’s suffrage movement,
 27 which have created a more fair and just society for
 28 all people; and
 29 WHEREAS, despite these contributions, and those of
 30 women throughout the world, the role of women has been

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1 consistently overlooked and undervalued in the
 2 literature, teaching, and study of history; NOW
 3 THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 5 REPRESENTATIVES CONCURRING, That the General Assembly
 6 designates the month of March 2004 as Iowa Women’s
 7 History Month and invites the citizens of Iowa to
 8 continue to uncover the roles women have played
 9 throughout history.

SENATE CONCURRENT RESOLUTION 107: filed February 26,
 2004; adopted by the Senate on March 11, 2004.

1 SENATE CONCURRENT RESOLUTION 107
 2 By: Committee on Economic Growth
 3 (SUCCESSOR TO SSB 3091)
 4 A concurrent resolution urging the Congress of the
 5 United States to enact the Housing Bond and Credit
 6 Modernization and Fairness Act.
 7 WHEREAS, housing development and home ownership are
 8 vital to economic growth and improving the standard of
 9 living in Iowa and across the United States; and
 10 WHEREAS, first-time homebuyer and low-income
 11 housing tax credit programs encourage private
 12 investment by low-income and moderate-income families;
 13 and
 14 WHEREAS, many residents of Iowa and the United
 15 States, especially in rural areas, are unable to
 16 qualify for these programs due to disparity in income;
 17 and
 18 WHEREAS, the Housing Bond and Credit Modernization
 19 and Fairness Act, which has been introduced in
 20 Congress as H.R. 284 and S. 595, would modernize and
 21 restore fairness to first-time homebuyer and low-
 22 income housing tax credit programs to enable those
 23 Iowans who would otherwise be unable to qualify to
 24 receive assistance under these programs; NOW

25 THEREFORE,
26 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
27 REPRESENTATIVES CONCURRING, That the General Assembly
28 of the State of Iowa urges the Congress of the United
29 States to enact the Housing Bond and Credit
30 Modernization and Fairness Act; and

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1 BE IT FURTHER RESOLVED, That the Secretary of the
2 Senate shall forward copies of this resolution to the
3 members of Iowa's congressional delegation, to the
4 presiding officers of the Senate of the United States,
5 and to the Speaker of the House of Representatives of
6 the United States.

SENATE CONCURRENT RESOLUTION 108: filed March 2,
2004; adopted by the Senate on March 11, 2004; adopted by the
House on March 30, 2004.

1 SENATE CONCURRENT RESOLUTION 108
2 By: Quirnbach, Kettering, and Redfern
3 (COMPANION TO LSB 5802HH BY SHOULTZ)
4 A concurrent resolution memorializing Stephen Garst
5 of Coon Rapids, Iowa.
6 WHEREAS, Stephen Garst of Coon Rapids, Iowa, passed
7 away on Saturday, January 10, 2004; and
8 WHEREAS, Stephen Garst served Coon Rapids, Carroll
9 County, and the State of Iowa in a wide variety of
10 positions of public service and trust and made many
11 lasting contributions to the quality of life in his
12 community and state; and
13 WHEREAS, Stephen Garst was a farmer and business
14 leader prominent in developing and modernizing
15 agriculture, the core of the Iowa economy; and
16 WHEREAS, Stephen Garst was an energetic advocate at
17 the national and international levels for advancing
18 agricultural productivity, the key to reducing hunger
19 worldwide, and generously shared his time and
20 expertise with thousands; and
21 WHEREAS, Stephen Garst loved the out-of-doors and
22 was an avid hunter and tireless advocate for
23 conservation and the environment, having served for
24 more than 40 years on the Carroll County Conservation
25 Board and having received numerous awards and honors
26 for his work in preserving the natural heritage of
27 Iowa and creating outdoor recreational opportunities;
28 and
29 WHEREAS, Stephen Garst was a champion of civil
30 liberties, a strong advocate of women's rights, and a

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1 defender of the Bill of Rights and constitutional
 2 guarantees for all Americans; NOW THEREFORE,
 3 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 4 REPRESENTATIVES CONCURRING, That the State of Iowa
 5 recognize, honor, and celebrate the life and
 6 tremendous accomplishment of Stephen Garst of Coon
 7 Rapids and offer its sincere condolences to his wife,
 8 Mary, and all of their family.

SENATE CONCURRENT RESOLUTION 109: filed March 3,
 2004; amended and adopted by the Senate on April 7, 2004.

1 SENATE CONCURRENT RESOLUTION 109
 2 By: Putney
 3 A concurrent resolution to honor the Meskwaki tribe
 4 members who served as Code Talkers in North Africa
 5 during World War II and to request that Congress and
 6 the President of the United States honor all Code
 7 Talkers who served in the United States armed forces.
 8 WHEREAS, the languages of several Native American
 9 tribes were developed for use as code during both
 10 World War I and World War II and members of at least
 11 18 tribes participated in the transmission of vital
 12 information regarding the location of enemy troops and
 13 numbers of enemy guns; and
 14 WHEREAS, this code was never broken and the Native
 15 American Code Talkers who transmitted the messages are
 16 credited with saving the lives of countless numbers of
 17 American soldiers; and
 18 WHEREAS, these Code Talkers worked under terrible
 19 conditions, taking extreme risks to provide the
 20 necessary military information for our military forces
 21 and sworn to secrecy in the event they were captured;
 22 and
 23 WHEREAS, eight members of the Meskwaki tribe from
 24 Tama County, including Frank Sanache, his brother
 25 Willard Sanache, Dewey Youngbear, Edward Benson, Judie
 26 Wayne Wabaunasee, Mike Wayne Wabaunasee, Dewey
 27 Roberts, and Melvin Twin, served as scouts and Code
 28 Talkers for eight companies of their division in North
 29 Africa during World War II; and
 30 WHEREAS, the only surviving member of those eight

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1 Meskwaki soldiers, Frank Sanache, endured terrible
 2 hardships both while stationed in North Africa and
 3 after being captured by the Germans and held prisoner
 4 in a Polish internment camp; and

5 WHEREAS, Congress passed legislation in 2000
 6 authorizing the issuance of Congressional Medals of
 7 Honor to recognize the service of the Navajo Code
 8 Talkers, which were presented by the President of the
 9 United States in July of 2001, but members of other
 10 tribes, such as Frank Sanache and the other Meskwaki
 11 Code Talkers, did not receive the same recognition;
 12 and
 13 WHEREAS, it is fitting and proper that the valiant
 14 efforts of all Native American Code Talkers be
 15 recognized and honored; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 17 REPRESENTATIVES CONCURRING, That the Iowa General
 18 Assembly recognizes the bravery and dedicated service
 19 of the Meskwaki Code Talkers and expresses gratitude
 20 for the contribution these soldiers made to saving
 21 many American lives; and
 22 BE IT FURTHER RESOLVED, That the Iowa General
 23 Assembly requests and encourages Congress and the
 24 President of the United States to recognize the
 25 contributions, bravery, and dedicated service of all
 26 Code Talkers, including the eight soldiers from the
 27 Meskwaki tribe, in the same manner as the Navajo Code
 28 Talkers by awarding them the appropriate medals of
 29 honor; and
 30 BE IT FURTHER RESOLVED, That, upon adoption, copies

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1 of this resolution be sent to the Majority and
 2 Minority Leaders of the United States Senate, the
 3 Speaker, Majority Leader, and Minority Leader of the
 4 United States House of Representatives, to the members
 5 of the Iowa congressional delegation, and to the
 6 President of the United States; and
 7 BE IT FURTHER RESOLVED, That, upon adoption, copies
 8 of this Resolution be sent to Frank Sanache and to the
 9 families of the other Meskwaki tribe members who
 10 served as Code Talkers in World War II.

SENATE CONCURRENT RESOLUTION 110: filed March 3,
 2004; adopted by the Senate on March 9, 2004.

1 SENATE CONCURRENT RESOLUTION 110
 2 By: Committee on Education
 3 (SUCCESSOR TO SSB 3152)
 4 A concurrent resolution providing for the formation of
 5 a committee by the Legislative Council to conduct a
 6 review of the school finance formula.
 7 WHEREAS, the school finance formula contained in
 8 Iowa Code chapter 257 is subject to legislative review

9 at least every five years pursuant to statutory
10 requirements contained in Iowa Code section 257.1,
11 subsection 4; and
12 WHEREAS, the statute provides that the review shall
13 be based upon a school finance formula status report
14 containing the recommendations of a legislative
15 interim committee, to be prepared with the assistance
16 of the Department of Education, in association with
17 the Department of Management and the Department of
18 Revenue; and
19 WHEREAS, the statute also provides that the report
20 shall include recommendations for school finance
21 formula changes or revisions based upon demographic
22 changes, enrollment trends, and property tax valuation
23 fluctuations observed during the preceding five-year
24 interval; an analysis of the operation of the school
25 finance formula during the preceding five-year
26 interval; and a summary of issues that have arisen
27 since the previous review and potential approaches for
28 their resolution; and
29 WHEREAS, the first such report is required to be
30 submitted to the General Assembly no later than

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1 January 1, 2005, with subsequent reports developed and
2 submitted by January 1 at least every fifth year; NOW
3 THEREFORE,
4 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
5 REPRESENTATIVES CONCURRING, That the Legislative
6 Council is requested to appoint an interim committee
7 to conduct a review of the school finance formula and
8 submit a school finance formula status report, in
9 compliance with Iowa Code section 257.1, subsection 4.
10 In addition to the subject areas specified for review
11 pursuant to statute, the study may also include
12 consideration of methods for achieving increased
13 efficiencies in school operations. The interim
14 committee shall be composed of 10 voting members,
15 representing both political parties and both houses of
16 the General Assembly. Five members shall be members
17 of the Senate, three of whom shall be appointed by the
18 Majority Leader of the Senate and two of whom shall be
19 appointed by the Minority Leader of the Senate. Five
20 members shall be members of the House of
21 Representatives, appointed by the Speaker of the
22 House, three of whom shall be of the majority party
23 and two of whom shall be of the minority party.
24 Nonvoting members shall be appointed by the
25 Legislative Council, in consultation with the
26 Departments of Education, Management, and Revenue, and
27 may include, but not be limited to, superintendents

28 representing four local school districts from across
 29 the state, representatives from the various education
 30 organizations and associations, representatives from

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1 the area education agencies and community colleges,
 2 and members of the general public. The temporary
 3 cochairpersons of the interim committee shall be the
 4 chairpersons of the Senate and House Committees on
 5 Education; and
 6 BE IT FURTHER RESOLVED, That the interim committee
 7 shall be staffed by the Legislative Services Agency,
 8 with the assistance of the Departments of Education,
 9 Management, and Revenue, and shall conduct its
 10 deliberations during the 2004 Legislative Interim.
 11 The interim committee shall submit its report to the
 12 General Assembly no later than January 1, 2005.

SENATE CONCURRENT RESOLUTION 111: filed March 3,
 2004; amended and adopted by the Senate on March 9, 2004.

1 SENATE CONCURRENT RESOLUTION 111
 2 By: Committee on Education
 3 (SUCCESSOR TO SSB 3150)
 4 A concurrent resolution requesting the Legislative
 5 Council to establish an interim study committee to
 6 examine the costs and benefits of Iowa joining
 7 the Midwestern Higher Education Compact.
 8 WHEREAS, the citizens of Iowa take pride in having
 9 a well-educated workforce and citizenry; and
 10 WHEREAS, Iowa's skyrocketing postsecondary
 11 education costs, while keeping pace with the rising
 12 tuition costs at public postsecondary institutions in
 13 many other states, are reducing the accessibility and
 14 affordability that Iowans have come to expect from
 15 Iowa's public postsecondary institutions; and
 16 WHEREAS, the mission of the Midwestern Higher
 17 Education Compact is to promote interstate cooperation
 18 and resource sharing in higher education among
 19 Midwestern states; and
 20 WHEREAS, states that are members of the compact
 21 have increased educational access for their citizens
 22 while attracting students from other states; NOW
 23 THEREFORE,
 24 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 25 REPRESENTATIVES CONCURRING, That the Legislative
 26 Council is requested to create an interim study
 27 committee to examine the costs and benefits of joining

28 the Midwestern Higher Education Compact; and
 29 BE IT FURTHER RESOLVED, That the interim study
 30 committee membership shall be comprised of ten voting

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1 members, who shall be members of the General Assembly,
 2 and shall include additional members as nonvoting, ex
 3 officio members, including but not limited to
 4 representatives from the area education agencies,
 5 accredited public and nonpublic schools, accredited
 6 private postsecondary institutions, community
 7 colleges, institutions of higher education under the
 8 control of the state board of regents, cities, and
 9 counties.

10 BE IT FURTHER RESOLVED, That the charge of the
 11 committee shall be to estimate the savings and
 12 revenues the state could realize from joining the
 13 compact; identify the costs of joining the compact,
 14 both in membership dues and as Iowa students cross
 15 Iowa's borders to attend institutions in other states;
 16 review the resources the compact offers, programs
 17 sponsored by the compact, and the program agreements
 18 reached; and examine examples of regional cooperation
 19 and innovation in the delivery of educational
 20 services.

21 BE IT FURTHER RESOLVED, That the interim study
 22 committee shall submit its findings and
 23 recommendations in a report to the General Assembly by
 24 December 15, 2004.

SENATE CONCURRENT RESOLUTION 113: filed March 4,
 2004; amended and adopted by the Senate on April 12, 2004.

1 SENATE CONCURRENT RESOLUTION 113
 2 By: Lundby and Connolly
 3 (COMPANION TO HCR 113 BY RAECKER)
 4 A concurrent resolution recognizing the 25th
 5 anniversary of the Iowa Natural Heritage Foundation.
 6 WHEREAS, June 21, 2004, marks the 25th anniversary
 7 of the Iowa Natural Heritage Foundation, a nonprofit
 8 Iowa organization dedicated to protecting, preserving,
 9 and enhancing Iowa's natural resources for future
 10 generations; and
 11 WHEREAS, the Iowa Natural Heritage Foundation was
 12 created by then-Governor Robert D. Ray and concerned
 13 private citizens as a nonpartisan means of uniting
 14 government, business, and private citizens for the
 15 express purpose of protecting Iowa's valuable natural
 16 resources; and
 17 WHEREAS, Iowans today and future generations need

18 clean water, a biologically diverse and scenic
 19 landscape, and outdoor recreation opportunities to
 20 ensure the state's quality of life and the economic
 21 well-being of Iowa communities; and
 22 WHEREAS, in its first 25 years, the Iowa Natural
 23 Heritage Foundation has helped protect more than
 24 75,000 acres of Iowa's special places; developed more
 25 than half of Iowa's extensive rail-trail system;
 26 restored and reconstructed natural ecosystems;
 27 improved water quality in key Iowa watersheds; created
 28 conservation education programs for schools and
 29 landowners; and served as a catalyst and leader on
 30 conservation issues ranging from regional planning to

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1 state and federal funding opportunities; and
 2 WHEREAS, the Iowa Natural Heritage Foundation has
 3 accomplished these goals not through divisive
 4 approaches but by actively involving partners,
 5 including local, state, and federal governments;
 6 private landowners; community volunteers; business and
 7 agricultural groups; and other conservation
 8 organizations; and
 9 WHEREAS, the Iowa Natural Heritage Foundation's
 10 innovation and leadership are needed today more than
 11 ever to protect Iowa's natural resources for those who
 12 follow; NOW THEREFORE,
 13 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
 14 REPRESENTATIVES CONCURRING, That the Iowa General
 15 Assembly recognizes the significant contributions made
 16 by the Iowa Natural Heritage Foundation for Iowa's
 17 land, water, wildlife, and people over the past 25
 18 years; and
 19 BE IT FURTHER RESOLVED, That the Iowa General
 20 Assembly expresses the grateful appreciation of the
 21 state of Iowa for the many ways the Iowa Natural
 22 Heritage Foundation effectively leads, shapes, and
 23 supports conservation efforts in Iowa; and
 24 BE IT FURTHER RESOLVED, That upon passage of this
 25 resolution, the Secretary of the Senate shall cause an
 26 official copy of this resolution to be provided to the
 27 Iowa Natural Heritage Foundation.

SENATE CONCURRENT RESOLUTION 114: filed March 15,
 2004; adopted by the Senate on March 17, 2004; adopted by the
 House on March 17, 2004.

1 SENATE CONCURRENT RESOLUTION 114
 2 By: Putney
 3 A concurrent resolution honoring the Iowa State Fair in

4 its sesquicentennial year.
5 WHEREAS, the inaugural Iowa State Fair was
6 conducted in Fairfield, Iowa, in 1854, eight years
7 after Iowa became a state; and
8 WHEREAS, the Iowa State Fair is considered
9 America's classic state fair, ranked as one of the top
10 three fairs in North America by the Wall Street
11 Journal, and identified by the New York Times as one
12 of "1,000 Places to See Before You Die"; and
13 WHEREAS, the Iowa State Fair includes the nation's
14 largest food department among all the fairs, the
15 largest art exhibit in this state, and one of the
16 largest livestock exhibitions in the world; and
17 WHEREAS, three motion pictures and a Broadway
18 musical have been based on the Iowa State Fair; and
19 WHEREAS, the Iowa State Fair is an important event
20 for education, recreation, and economic development;
21 and
22 WHEREAS, the Iowa State Fair represents the state's
23 preeminent tourist destination; and
24 WHEREAS, over one million people attend the Iowa
25 State Fair annually; and
26 WHEREAS, the Iowa State Fair has an economic impact
27 of over \$70 million per year and supports
28 approximately 2,700 jobs; and
29 WHEREAS, the Iowa State Fair brings Iowa's people
30 together in a spirit of cooperation, competition, and

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1 camaraderie; and
2 WHEREAS, the Iowa State Fair is an institution that
3 fulfills dreams, captures the imagination, and
4 bolsters the morale in young and old alike; and
5 WHEREAS, the home of the Iowa State Fair, the
6 venerable Iowa State Fairgrounds, is listed on the
7 National Register of Historic Places of the United
8 States Department of the Interior's National Park
9 Service; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
11 REPRESENTATIVES CONCURRING, That the General Assembly
12 recognizes and honors the Iowa State Fair's
13 sesquicentennial celebration to be held on August 12
14 through 22, 2004; and
15 BE IT FURTHER RESOLVED, That during its
16 sesquicentennial year the General Assembly pay tribute
17 to the efforts, creativity, and tenacity of those who
18 have promoted, preserved, and loved the Iowa State
19 Fair over the past 150 years; and
20 BE IT FURTHER RESOLVED, That the General Assembly
21 extends its appreciation to the members of the Iowa
22 State Fair Board, the Secretary of the Iowa State Fair

23 Board, and staff who deserve a blue ribbon for their
24 dedication and efforts in ensuring that the Iowa State
25 Fair continues to be a great source of pride for all
26 Iowans; and
27 BE IT FURTHER RESOLVED, That an official copy of
28 this resolution be prepared and presented to the
29 Secretary of the Iowa State Fair Board.

SENATE CONCURRENT RESOLUTION 117: filed April 5, 2004;
adopted by the Senate on April 7, 2004; adopted by the House on
April 7, 2004.

1 SENATE CONCURRENT RESOLUTION 117
2 By: Miller
3 A resolution congratulating Ms. Courtney Knupp on being
4 crowned 2004 Iowa Pork Queen.
5 WHEREAS, on January 28, 2004, during the Iowa Pork
6 Congress, Ms. Courtney Knupp was coronated as the Iowa
7 Pork Queen; and
8 WHEREAS, Ms. Courtney Knupp, daughter of Mark and
9 Mary Ann Knupp of Washington, Iowa, grew up as part of
10 a farm family involved in pork production; and
11 WHEREAS, Ms. Knupp is distinguished by her
12 participation in a number of athletic, scholastic, and
13 agriculture-related activities while attending
14 Washington High School, including participation in
15 golf, softball, and volleyball, the Quill and Scroll
16 Society, the National Honor Society, the National
17 Council on Youth Leadership, and Future Farmers of
18 America (FFA); and
19 WHEREAS, Ms. Knupp is pursuing a career in
20 agriculture, attending Iowa State University, and
21 majoring in agricultural business and economics, and
22 has continued to be active in a number of endeavors
23 including Freshman Council, the Agricultural Business
24 Club, and the Pi Beta Phi Sorority; NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
26 REPRESENTATIVES CONCURRING, That the General Assembly
27 extends its congratulations to Ms. Knupp on being
28 crowned the 2004 Iowa Pork Queen and thanks her for
29 serving Iowa as a goodwill ambassador for the pork
30 industry during her year-long reign; and

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1 BE IT FURTHER RESOLVED, That upon adoption, an
2 official copy of this resolution be prepared for
3 presentation to Ms. Knupp.

SENATE CONCURRENT RESOLUTION 118: filed April 20, 2004; adopted by the Senate on April 20, 2004; adopted by the House on April 20, 2004.

1 SENATE CONCURRENT RESOLUTION 118
 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, April 20,
 7 2004, it be the final adjournment of the 2004 Regular
 8 Session of the Eightieth General Assembly.

SENATE RESOLUTIONS

SENATE RESOLUTION 103: filed January 13, 2004; adopted by the Senate on January 13, 2004. Printed on Senate Journal page 27.

SENATE RESOLUTION 104: filed January 20, 2004; adopted by the Senate on January 21, 2004.

1 SENATE RESOLUTION 104
 2 By: Iverson and Gronstal
 3 A resolution designating January 21, 2004, as Iowa
 4 Insurance Day.
 5 WHEREAS, the Iowa insurance industry, through its
 6 employees and agents, has made a historic contribution
 7 to the economic growth and strength of our state and
 8 nation; and
 9 WHEREAS, all Iowans benefit from the financial
 10 protections offered by the Iowa insurance industry
 11 through the provision of mechanisms to insure the
 12 health, life, property, and retirement income of
 13 Iowans; and
 14 WHEREAS, two hundred fifty-seven insurance
 15 companies are headquartered in Iowa; and
 16 WHEREAS, more than 40,000 Iowans work in Iowa's
 17 insurance industry, with over 27,000 agents and
 18 brokers representing the insurance industry in every
 19 county in the state; and
 20 WHEREAS, the yearly insurance industry payroll for
 21 its Iowa employees exceeds \$1.5 billion, 5 percent of
 22 the total payroll for all Iowa employees; and
 23 WHEREAS, Iowa's insurance industry currently
 24 accounts for 4 percent of the gross state product, at
 25 over \$3.1 billion; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 27 designates the day of January 21, 2004, as Iowa
 28 Insurance Day and invites the citizens of Iowa to

29 discover and honor the important economic
30 contributions made by the Iowa insurance industry.

SENATE RESOLUTION 107: filed January 26, 2004; adopted by
the Senate on January 28, 2004.

1 SENATE RESOLUTION 107
2 By: Iverson and Gronstal
3 A resolution designating January 28, 2004, as Iowa
4 Telecommunications Association Day.
5 WHEREAS, the Iowa Telecommunications Association,
6 the largest and second oldest telephone association in
7 the United States, and its 147 members, all telephone
8 companies operating in Iowa, represent more than
9 600,000 access lines throughout Iowa, providing state-
10 of-the-art communications services to Iowa residents;
11 and
12 WHEREAS, the goal of the members of the Iowa
13 Telecommunications Association is to provide Iowans
14 unparalleled service and technology to meet their
15 communications needs; and
16 WHEREAS, the members of the Iowa Telecommunications
17 Association have deployed over 8,000 miles of
18 fiberoptic cables across the state; and
19 WHEREAS, sixty-eight percent of rural communities
20 served by small local telephone companies have access
21 to high-speed internet services; and
22 WHEREAS, thanks to the efforts of Iowa's rural
23 telephone carriers, Iowa enjoys one of the highest
24 rates of households with telephones in the nation,
25 with over 97 percent of households connected, compared
26 to the national average of 95 percent; and
27 WHEREAS, the members of the Iowa Telecommunications
28 Association are involved in their communities,
29 supporting their schools, promoting economic
30 development efforts, and helping to grow Iowa; NOW

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1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
3 designates the day of January 28, 2004, as Iowa
4 Telecommunications Association Day and invites the
5 citizens of Iowa to recognize the important role the
6 Iowa Telecommunications Association and its 147
7 members play in providing Iowa residents with superior
8 telecommunications services.

SENATE RESOLUTION 108: filed January 27, 2004; adopted by the Senate on January 29, 2004.

1 SENATE RESOLUTION 108
 2 By: Lundby
 3 A resolution honoring the Kirkwood Community College
 4 Women's Volleyball Team.
 5 WHEREAS, the fans of the Kirkwood Community College
 6 Eagles and the citizens of Iowa are greatly pleased
 7 that the Kirkwood Women's Volleyball Team had a
 8 spectacular regular season leading to its capture of
 9 the National Junior College Athletic Association
 10 (NJCAA) Region XI Volleyball Championship; and
 11 WHEREAS, the Kirkwood Women's Volleyball Team made
 12 its fans and all Iowans proud by also advancing to and
 13 winning the NJCAA Division II National Championship on
 14 November 15, 2003; and
 15 WHEREAS, the Kirkwood Community College Women's
 16 Volleyball Team proved its strength and resiliency by
 17 consistently overcoming point deficits and by its
 18 solid offense and tough defensive play throughout its
 19 regular season and the national tournament; and
 20 WHEREAS, individual athletes on the team have been
 21 honored by being named NJCAA National Tournament Most
 22 Valuable Player as well as being named to the All-
 23 Tournament Team, All-Region Team, and All-Region
 24 Second Team, and have received Honorable Mention for
 25 the All-Region Team; and
 26 WHEREAS, the national tournament crown is the first
 27 for Eagles Head Coach DeAnn Woodin, who was also
 28 awarded her first NJCAA Division II National Coach of
 29 the Year Award; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 congratulates Coach DeAnn Woodin and the Kirkwood
 2 Community College Women's Volleyball Team on their
 3 successful season and thanks them for the honor and
 4 excitement they brought to the State of Iowa; and
 5 BE IT FURTHER RESOLVED, That upon passage, the
 6 Secretary of the Senate shall cause an enrolled copy
 7 of this resolution to be prepared for presentation to
 8 Coach DeAnn Woodin and the Kirkwood Community College
 9 Women's Volleyball team.

SENATE RESOLUTION 111: filed February 10, 2004; adopted by the Senate on February 12, 2004.

1 SENATE RESOLUTION 111
2 By: Boettger
3 A resolution recognizing nursing students and faculty.
4 WHEREAS, all Iowans benefit from the service
5 provided by registered nurses; and
6 WHEREAS, 38,091 registered nurses were actively
7 licensed in Iowa on July 1, 2003, but 37 percent of
8 hospitals and long-term care facilities reported an
9 average of 60 days or longer to fill vacancies; and
10 WHEREAS, the average age of most registered and
11 licensed practical nurses is 46; and
12 WHEREAS, the nursing shortage is projected to
13 intensify over the next two decades; and
14 WHEREAS, as of December 2003, 36 full-time and 41
15 part-time nursing faculty vacancies existed at Iowa
16 nursing colleges; and
17 WHEREAS, the graduation rate of masters and
18 doctorally prepared registered nurses will not be
19 sufficient to address a projected retirement of 49
20 percent of nursing faculty in Iowa by 2010; and
21 WHEREAS, high nurse turnover and vacancy rates, as
22 well as the shortage of nursing faculty, negatively
23 impact patient well-being; NOW THEREFORE,
24 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
25 designates February 12, 2004, as Iowa Nursing Student
26 and Faculty Day and invites the citizens of Iowa to
27 recognize the need for both men and women to choose
28 nursing as a career and to encourage the education of
29 registered nurses at all educational levels.

SENATE RESOLUTION 112: filed February 11, 2004; adopted by the Senate on February 12, 2004.

1 SENATE RESOLUTION 112
2 By: Rehberg
3 A resolution declaring February 12, 2004, Marriage and
4 Family Day.
5 WHEREAS, marriage and family are universal human
6 institutions which are the bedrocks of our society;
7 and
8 WHEREAS, a healthy marriage improves the lives of
9 the parties and provides a nurturing environment for
10 children; and
11 WHEREAS, good marriages and strong families are
12 developed through commitment, sacrifice, and hard
13 work; and
14 WHEREAS, the importance of marriage and family is

15 never more evident than when a loved one is absent,
 16 such as during a time of war; and
 17 WHEREAS, a great number of spouses and family
 18 members have suffered the loss of loved ones during
 19 this time of war, including our own fellow Iowans,
 20 United States Marine Corps Gunnery Sergeant Jeffrey E.
 21 Bohr; Army Private Michael J. Deutsch; Iowa Army
 22 National Guard Sergeant Paul F. Fisher; Army Private
 23 Kurt R. Frosheiser; Iowa Army National Guard Private
 24 First Class David M. Kirchhoff; Army Specialist Joshua
 25 Knowles; United States Marine Corps Reserve Sergeant
 26 Bradley S. Korthaus; Army Private Kenneth A. Nalley;
 27 Iowa Army National Guard Specialist Aaron J. Sissel;
 28 and Iowa Army National Guard Chief Warrant Officer
 29 Bruce A. Smith; and
 30 WHEREAS, these spouses and family members truly

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1 recognize the value of their marital and familial
 2 relationships; and
 3 WHEREAS, it is important that, not only at the time
 4 of absence or loss, society as a whole recognize the
 5 importance of marriage and family; NOW THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That February 12,
 7 2004, be declared Marriage and Family Day in
 8 recognition of the importance of these institutions in
 9 the daily lives of Iowans; and
 10 BE IT FURTHER RESOLVED, That the Senate on this day
 11 honors those spouses and families who have suffered
 12 the loss of loved ones during this time of war.

SENATE RESOLUTION 113: filed February 11, 2004; adopted by
 the Senate on March 11, 2004.

1 SENATE RESOLUTION 113
 2 By: Drake
 3 A resolution honoring former Senator David O. Shaff.
 4 WHEREAS, David O. Shaff, of Clinton, Iowa, who
 5 served with distinction in the Senate in the Fifty-
 6 sixth through Sixty-first General Assemblies, and who
 7 also served in the House of Representatives in the
 8 Fifty-fifth General Assembly, will be celebrating his
 9 80th birthday with his family on February 18, 2004;
 10 and
 11 WHEREAS, David O. Shaff led the pioneering efforts
 12 that ultimately resulted in the reapportionment of the
 13 Iowa General Assembly; and
 14 WHEREAS, David O. Shaff retired from a long and
 15 distinguished career as an attorney in his hometown of
 16 Clinton; and

17 WHEREAS, David O. Shaff's life demonstrates the
18 importance of hard work and the professional
19 commitment to the values which all Iowans continue to
20 prize; and

21 WHEREAS, David O. Shaff's service to Iowa in both
22 the public and private sectors reflects great credit
23 on him personally, on the legal profession, on Clinton
24 County, on the Iowa Senate, and on the State of Iowa;
25 NOW THEREFORE,

26 BE IT RESOLVED BY THE SENATE, That the Senate
27 congratulates David O. Shaff on his 80th birthday and
28 commends his past service to the Senate and the people
29 of the State of Iowa and offers its best wishes that
30 his continued retirement will be filled with health

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1 and happiness.

SENATE RESOLUTION 114: filed February 12, 2004; adopted by
the Senate on February 19, 2004.

1 SENATE RESOLUTION 114
2 By: Dvorsky and Bolkcom
3 A resolution honoring the nursing leaders at the
4 University of Iowa Hospitals and Clinics upon their
5 receipt of the Magnet Award for Nursing Excellence.
6 WHEREAS, the Magnet Nursing Services Recognition
7 Program was established in 1993 by the American Nurses
8 Association's American Nurses Credentialing Center,
9 the nation's largest and foremost accrediting and
10 credentialing organization for the nursing profession;
11 and
12 WHEREAS, the Recognition Program recognizes health
13 care organizations that demonstrate sustained
14 excellence in nursing care and uphold the tradition
15 within nursing that supports professional nursing
16 practice; and
17 WHEREAS, the Recognition Program constitutes the
18 highest level of recognition that the American Nurses
19 Credentialing Center can accord to organized nursing
20 services in the national and international health care
21 communities; and
22 WHEREAS, the Recognition Program awards its coveted
23 honors only to hospitals that undergo a rigorous,
24 voluntary evaluation process, and that demonstrate
25 that they provide positive patient outcomes, recognize
26 excellence in nursing services, and reward
27 professional nursing achievement; and

28 WHEREAS, the University of Iowa Hospitals and
29 Clinics have been singled out as one of only about 100
30 hospitals in the United States and the first hospital

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1 in the State of Iowa to receive the prestigious Magnet
2 Award for Nursing Excellence; and
3 WHEREAS, independent studies of Magnet hospitals
4 have shown that patients who receive care in such
5 centers average a shorter length of stay and have
6 higher rates of satisfaction, and that nurses working
7 in Magnet hospitals are more satisfied with their work
8 and the care they provide and remain in the workplace
9 for longer durations of time than do other nurses; and
10 WHEREAS, achieving Magnet status for the University
11 of Iowa Hospitals and Clinics was accomplished only
12 through the dedicated teamwork of many nursing
13 professionals led by Donna Katen-Bahensky, Director
14 and Chief Executive Officer of the University of Iowa
15 Hospitals and Clinics, and by Linda Q. Everett, Ph.D.,
16 Associate Director and Chief Nursing Officer, and
17 assisted by Barbara J. (B. J.) Hannon; NOW THEREFORE,
18 BE IT RESOLVED BY THE SENATE, That the Senate
19 congratulates the nursing leaders at the University of
20 Iowa Hospitals and Clinics for receiving the Magnet
21 Award for Nursing Excellence, and expresses its
22 appreciation for the dedication of nursing
23 professionals at the University of Iowa, for their
24 devotion to patients, and for performing the essential
25 nursing care services which enable the University of
26 Iowa Hospitals and Clinics to provide such high-
27 quality health care to Iowans and nonresidents alike;
28 and
29 BE IT FURTHER RESOLVED, That official copies of
30 this resolution be prepared and presented to Dr. David

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1 Skorton, President of the University of Iowa, to Donna
2 Katen-Bahensky, Director and Chief Executive Officer
3 of the University of Iowa Hospitals and Clinics, and
4 to Linda Q. Everett, Associate Director and Chief
5 Nursing Officer of the University of Iowa Hospitals
6 and Clinics, to be shared with all nursing personnel
7 at the University of Iowa Hospitals and Clinics in
8 recognition of the receipt of the prestigious Magnet
9 Award for Nursing Excellence.

SENATE RESOLUTION 116: filed February 17, 2004; adopted by the Senate on April 15, 2004.

1 SENATE RESOLUTION 116

2 By: Dvorsky

3 A resolution honoring the Iowa Democratic Party and the
4 Republican Party of Iowa for outstanding achievements in
5 bringing about nationwide recognition for the 2004
6 presidential precinct caucuses.

7 WHEREAS, every two years the major political
8 parties in the State of Iowa hold precinct caucuses to
9 select delegates from each major political party to
10 attend the county conventions; and

11 WHEREAS, since 1976, the precinct caucuses held in
12 presidential election years by the two major political
13 parties have been used for determining support for
14 presidential candidates and have served as the
15 nation's first important test of the presidential
16 candidates; and

17 WHEREAS, Iowa voters are civic-minded citizens who
18 take their caucus responsibilities seriously; and

19 WHEREAS, the presidential precinct caucuses held in
20 January 2004 benefited Iowa's economy by bringing
21 thousands of volunteers to the state for several
22 months, by serving as a base for national media and
23 for nationally telecast news and interview shows, and
24 by showcasing Iowa to citizens throughout the world;
25 and

26 WHEREAS, Gordon Fischer, Chairman of the Iowa
27 Democratic Party, ably served as a spokesperson for
28 the Iowa Democratic Party during the caucuses,
29 coordinating the efforts of thousands of Democratic
30 Party activists as the Iowa Democratic Party

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1 successfully hosted caucuses in the 1,997 precincts,
2 and allowed preferences among the many Democratic
3 presidential candidates to be considered and
4 candidates to be selected by the participants; and

5 WHEREAS, Leon Mosley, Cochairman of the Republican
6 Party of Iowa, ably served as a spokesperson for the
7 Republican Party of Iowa during the caucuses,
8 coordinating the efforts of thousands of Republican
9 Party activists as the Republican Party of Iowa
10 successfully hosted caucuses in the 1,997 precincts
11 and allowed the participants to record their support
12 for President George W. Bush and to work on party
13 platforms for the 2004 general election; NOW

14 THEREFORE,

15 BE IT RESOLVED BY THE SENATE, That the Senate

16 extends its heartiest congratulations to the Iowa
 17 Democratic Party and the Republican Party of Iowa, for
 18 their outstanding achievements in bringing about
 19 nationwide recognition for the January 2004
 20 presidential precinct caucuses; and
 21 BE IT FURTHER RESOLVED, That an official copy of
 22 this resolution be prepared and presented to Chairman
 23 Gordon Fischer of the Iowa Democratic Party and to
 24 Cochairman Leon Mosley of the Republican Party of
 25 Iowa.

SENATE RESOLUTION 117: filed February 17, 2004; adopted by
 the Senate on March 10, 2004.

1 SENATE RESOLUTION 117
 2 By: Dvorsky, Bolkcom, Lundby, Horn, Miller, Putney,
 3 Hosch, and Schuerer
 4 A resolution honoring Dr. Norm Nielsen, President of
 5 Kirkwood Community College.
 6 WHEREAS, Dr. Norm Nielsen has announced his
 7 retirement next January as President of Kirkwood
 8 Community College; and
 9 WHEREAS, Dr. Nielsen has guided the community
 10 college for 26 years; and
 11 WHEREAS, under his tenure, Kirkwood Community
 12 College has grown to be the largest community college
 13 in Iowa and the third largest institution of higher
 14 learning in the state; and
 15 WHEREAS, the community college is renowned across
 16 the nation for its innovative partnerships and
 17 alliances with private industry, government, and other
 18 educational entities; and
 19 WHEREAS, Kirkwood Community College has won
 20 regional and national acclaim in the past 25 years,
 21 including being one of only 18 community colleges in
 22 the United States and Canada named to the League of
 23 Innovation; and
 24 WHEREAS, Kirkwood Community College was named
 25 Community College of the Year for 2000–2001 by the
 26 National Alliance of Business; and
 27 WHEREAS, Dr. Nielsen has received many honors,
 28 including being named the top college CEO of the Year
 29 in 2002; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 recognizes Dr. Norm Nielsen for his efforts on behalf
 2 of Kirkwood Community College, its students, and the
 3 State of Iowa, and expresses its gratitude for his
 4 tireless efforts in making Kirkwood Community College

5 one of the finest institutions of higher learning in
 6 the state and nation; and
 7 BE IT FURTHER RESOLVED, That upon passage, the
 8 Secretary of the Senate shall cause an official copy
 9 of this Resolution to be prepared for presentation to
 10 Dr. Norm Nielsen, President of Kirkwood Community
 11 College.

SENATE RESOLUTION 120: filed February 24, 2004; adopted by
 the Senate on March 11, 2004.

1 SENATE RESOLUTION 120
 2 By: Redfern and Dotzler
 3 A resolution to honor the First Judicial District
 4 Department of Correctional Services for receiving
 5 the exemplary offender program award.
 6 WHEREAS, in 1998, the First Judicial District
 7 Department of Correctional Services instituted the
 8 dual diagnosis offender program at the Waterloo
 9 residential facility to treat male offenders suffering
 10 from both mental health and substance abuse disorders;
 11 and
 12 WHEREAS, treatment in the dual diagnosis offender
 13 program focuses upon enhancing the potential of the
 14 offender by facilitating the establishment of a law-
 15 abiding lifestyle with a stabilized mental condition
 16 free of chemical dependency; and
 17 WHEREAS, on January 14, 2004, the American
 18 Correctional Association presented the exemplary
 19 offender program award to the First Judicial District
 20 Department of Correctional Services in recognition of
 21 its demonstrated success through the dual diagnosis
 22 offender program; and
 23 WHEREAS, Thomas Bonefas, Cheryl Meyer, Ken
 24 Kolthoff, Patti Smilanich, Ross Todd, Mike Schreck,
 25 Helen Kemp, and Dick Graham are recognized for their
 26 contribution and dedication to the dual diagnosis
 27 offender program; NOW THEREFORE,
 28 BE IT RESOLVED BY THE SENATE, That the Senate
 29 recognize and honor the First Judicial District
 30 Department of Correctional Services for its success

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1 with the dual diagnosis offender program and its
 2 receipt of the exemplary offender program award; and
 3 BE IT FURTHER RESOLVED, That, upon adoption, the
 4 Secretary of the Senate shall prepare official copies
 5 of this Resolution and send it to Gary Maynard,
 6 Director of the Iowa Department of Corrections, and to
 7 Daniel Craig, District Director of the First Judicial
 8 District Department of Correctional Services.

SENATE RESOLUTION 121: filed February 25, 2004; adopted by the Senate on April 13, 2004.

1 SENATE RESOLUTION 121
2 By: Iverson and Gronstal
3 (COMPANION TO LSB 6530HH BY GIPP)
4 A resolution to recognize and honor Iowans serving in all
5 branches and components of the military.
6 WHEREAS, Iowa contributes significant numbers of
7 military personnel to the defense capability of the
8 United States and such personnel are vitally important
9 to our national security; and
10 WHEREAS, Iowans serving in the military accept
11 their role as defenders of our people's freedoms and
12 rights, and continue to meet and exceed the readiness
13 standards; and
14 WHEREAS, Iowans serving in the military are
15 continually on the vigil and ready to respond when
16 called for a war, conflict, or national emergency; and
17 WHEREAS, Iowans serving in the military continue to
18 demonstrate their professionalism, dedication, and
19 skills, as well as their patriotism and love for their
20 country and the liberties, freedoms, and rights that
21 it stands for as they mobilize in record numbers to
22 support Operation Noble Eagle, Operation Enduring
23 Freedom, Operation Iraqi Freedom, and the global war
24 on terrorism; and
25 WHEREAS, Iowans serving in the military are
26 prepared to accomplish their missions in worldwide
27 locations as they endure separation from their homes
28 and family relationships and obligations, and missed
29 special family occasions as they fulfill their
30 assignments; and

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1 WHEREAS, the actions of Iowans serving in the
2 military reflect great credit upon all the people of
3 the State of Iowa; NOW THEREFORE,
4 BE IT RESOLVED BY THE SENATE, That the Senate
5 recognizes and honors the Iowa members of the military
6 for their dedication and outstanding performance of
7 duty, and the Senate expresses its appreciation to the
8 families of Iowa's military members.

SENATE RESOLUTION 122: filed March 1, 2004; adopted by the Senate on March 1, 2004.

1 SENATE RESOLUTION 122
2 By: Houser
3 A resolution recognizing the 100th anniversary of
4 Glenn Miller's birthday.
5 WHEREAS, Alton Glenn Miller was born in Clarinda,
6 Iowa, on March 1, 1904, in the family home located at
7 601 S. 16th Street, now Glenn Miller Avenue; and
8 WHEREAS, Glenn Miller organized an orchestra in
9 1938, performing with an acclaimed style of big band
10 swing music that quickly set new records in attendance
11 and recording sales and continued to do so until the
12 orchestra was disbanded in 1942 at the height of its
13 popularity; and
14 WHEREAS, Glenn Miller and His Orchestra were the
15 first musicians to be recognized with a gold record
16 and this recognition has continued with an
17 accumulation of 29 gold records, so far; and
18 WHEREAS, Glenn Miller showed his patriotism by
19 volunteering at the age of 38 to join the U.S. Army
20 Air Force "to bring our music to the servicemen here
21 and abroad"; and
22 WHEREAS, he was commissioned as a captain and
23 assembled a military band of top-notch musicians that
24 was ordered to England in the spring of 1944, bringing
25 a new swinging sound to military music; and
26 WHEREAS, despite experiencing a shattering loss
27 with the death of Glenn Miller halfway through the
28 band's European mission, the band spent 13 months in
29 the European theater of operations while performing
30 nearly 1,000 times, making musical history while world

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1 history was being made; and
2 WHEREAS, in 1976, Clarinda began honoring its
3 famous son by hosting an annual music festival
4 featuring performers from all over the world and the
5 100th anniversary of Glenn Miller's birthday will be
6 specially recognized during this year's five-day
7 festival held June 9-13, 2004; and
8 WHEREAS, membership in Clarinda's Glenn Miller
9 Birthplace Society has grown to 1,500 members
10 representing 48 states and 24 nations, indicating the
11 continuing popularity of the Glenn Miller style of
12 music; and
13 WHEREAS, music helps bridge differences, as shown
14 by the example of Tamana Girls High School Band of
15 Kumamoto, Japan, which made its first appearance at

16 the festival in 1990, leading to establishment of a
 17 Sister City and Sister School relationship with
 18 Clarinda, a degree of cultural exchange unmatched by
 19 other cities the size of Clarinda; NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the Senate
 21 salutes Glenn Miller's legacy on the occasion of the
 22 100th anniversary of his birthday and joins people
 23 everywhere in recognizing through Glenn Miller's
 24 influence that when music is shared over the
 25 generations and around the world, good things happen.

SENATE RESOLUTION 124: filed March 2, 2004; adopted by the Senate on March 9, 2004.

1 SENATE RESOLUTION 124
 2 By: Dvorsky
 3 (COMPANION TO LSB 5653HH BY FOEGE)
 4 A resolution commemorating the sesquicentennial
 5 anniversary of Cornell College.
 6 WHEREAS, Cornell College was founded in Mount
 7 Vernon, Iowa, in 1853 by Methodist minister George
 8 Bowman, and dedicated to the belief that education was
 9 critical to a civilized society; and
 10 WHEREAS, the College has a long tradition of
 11 emphasizing the value and importance of a rich liberal
 12 arts education, of building a close-knit academic
 13 environment and nurturing its students, of engaging
 14 dedicated professors with the most advanced academic
 15 degrees who are focused on teaching, and of offering
 16 abundant cocurricular programs and activities; and
 17 WHEREAS, from its first academic year, when over
 18 one-quarter of its students were women, Cornell
 19 College granted women equal academic rights and
 20 privileges with men, being the first Iowa college in
 21 1858 to confer a baccalaureate degree on a woman and
 22 the first college or university in the nation in 1871
 23 to confer a full professorship upon a woman with a
 24 salary equal to male professors; and
 25 WHEREAS, Cornell College, since its inception, has
 26 adopted a mission of service, not only to its
 27 students, but to the community and the world around
 28 it; and
 29 WHEREAS, campus organizations active over Cornell's
 30 150 years have included nearly two dozen literary

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1 societies meeting during the College's first 75 years,
 2 over 30 social groups organized and active over the
 3 last 75 years, and more than a dozen national honor
 4 and service organizations recognizing outstanding

5 academic performance over the years, including Phi
6 Beta Kappa, first organized in 1923, and Mortar Board;
7 and
8 WHEREAS, Cornellians today are active in a myriad
9 of extracurricular activities, including student
10 government, athletics, and off-campus and
11 international programs, and in more than 100 student
12 organizations, with three-fourths of students
13 participating in a communitywide volunteer services
14 program; and
15 WHEREAS, the College's innovative One-Course-At-A-
16 Time calendar was introduced in 1978 and has been
17 significant in drawing prospective students to the
18 College from every state in the nation and from tens
19 of countries around the world; and
20 WHEREAS, national rankings have annually placed
21 Cornell College among the top liberal arts colleges in
22 the United States; and
23 WHEREAS, Cornell's emphasis on a well-rounded
24 liberal arts education and preparation of its students
25 for lifelong achievement and contribution have
26 resulted in nearly two-thirds of its students
27 attending graduate or professional schools following
28 graduation; and
29 WHEREAS, Cornell College has a long history of
30 preserving and rehabilitating its hilltop campus,

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1 including its first campus building, now known as Old
2 Sem, its oldest building, the President's House, and
3 its landmark William Fletcher King Chapel, with this
4 preservation effort being recognized in 1980 by the
5 inclusion of the entire College campus on the National
6 Register of Historic Places; NOW THEREFORE,
7 BE IT RESOLVED BY THE SENATE, That the Senate
8 recognizes Cornell College for its contributions to
9 the state in general and to its students and the Mount
10 Vernon community in particular, and extends
11 congratulations to Cornell College on 150 years of
12 dedicated service; and
13 BE IT FURTHER RESOLVED, That an official copy of
14 this resolution be prepared and presented to Les
15 Garner, President of Cornell College, to share with
16 Cornellians, both past and present, with all Cornell
17 faculty and staff, and with all friends of the
18 College.

SENATE RESOLUTION 125: filed March 2, 2004; adopted by the Senate on April 15, 2004.

1 SENATE RESOLUTION 125
2 By: Quirmbach
3 (COMPANION TO LSB 6533HH BY GREIMANN)
4 A resolution to recognize the week of May 10, 2004,
5 as Iowa Solar Energy Awareness Week.
6 WHEREAS, the planet Earth has a limited supply of
7 available nonrenewable sources of energy that generate
8 pollution when used for energy purposes; and
9 WHEREAS, the United States and the State of Iowa
10 have a high dependence on nonrenewable and fossil
11 fuels; and
12 WHEREAS, Iowa State University of Science and
13 Technology is a premier education institution devoted
14 to excellence and innovation in engineering and the
15 natural resources, and is a national leader in solar
16 vehicle racing and in the development of solar vehicle
17 engineering technologies; and
18 WHEREAS, solar energy offers the State of Iowa a
19 viable renewable energy source that has the ability to
20 provide environmentally clean power for the state
21 without depleting the earth's stores of fossil fuels;
22 NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate
24 recognizes the week of May 10, 2004, as Iowa Solar
25 Energy Awareness Week in Iowa, and calls upon citizens
26 to observe this week with appropriate activities and
27 ceremonies to enhance public awareness of alternative,
28 sustainable, and renewable energy technologies.

SENATE RESOLUTION 126: filed March 8, 2004; adopted by the Senate on April 6, 2004.

1 SENATE RESOLUTION 126
2 By: Kreiman, McKinley, and Johnson
3 A resolution honoring Robert K. Beck for his
4 accomplishments in service to the people of Iowa as
5 a civic leader, state legislator, and newspaperman.
6 WHEREAS, Robert K. Beck was born on July 17, 1915,
7 in Centerville and began his newspaper career as a
8 teenager working at the Daily Iowegian, and went on to
9 become general manager of the newspaper by 1945, and
10 owner by 1950; and
11 WHEREAS, Mr. Beck lived in southern Iowa nearly all
12 his life, graduating from Centerville High School in
13 1933 and earning a bachelor's degree from Iowa
14 Wesleyan College in 1937; and
15 WHEREAS, Mr. Beck's civic service to the state

16 began with his term as a member of the Iowa House of
17 Representatives from 1953 to 1955; and

18 WHEREAS, Mr. Beck twice tried unsuccessfully to
19 serve the state as governor, campaigning in 1966, and
20 against Robert Ray in 1968; and

21 WHEREAS, Mr. Beck's leadership skills served his
22 community well as he successfully attracted industrial
23 companies to the area when he served as Centerville's
24 industrial chairman; and

25 WHEREAS, Mr. Beck was a driving force in the
26 construction of Rathbun Lake, which offers year-round
27 recreational opportunities and drinking water to the
28 surrounding area; and

29 WHEREAS, Mr. Beck continued to write a weekly
30 column about history and life in Centerville until

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1 well into his eighties; and

2 WHEREAS, Mr. Beck is remembered as a tireless,
3 irreplaceable member of his community, giving to a
4 fault, and constantly involved in the betterment of
5 his community; and

6 WHEREAS, for over 60 years, Robert and his wife
7 Charlotte teamed up to plead, persuade, lead, and
8 cajole Centerville people and friends of Centerville
9 to believe in themselves and their fine city; NOW

10 THEREFORE,

11 BE IT RESOLVED BY THE SENATE, That the General
12 Assembly honors Mr. Robert K. Beck posthumously for
13 his many civic and professional achievements and
14 contributions to the betterment of this state; and

15 BE IT FURTHER RESOLVED, That the Secretary of the
16 Senate shall deliver copies of this resolution to Mrs.
17 Charlotte Beck, Tom Beck, and Barbara Beck Climie, all
18 of Centerville; and to Martha Beck Hoch of Chariton.

SENATE RESOLUTION 127: filed March 8, 2004; adopted by the
Senate on April 7, 2004.

1 SENATE RESOLUTION 127

2 By: Rehberg

3 A resolution honoring University of Iowa football
4 player Robert Gallery.

5 WHEREAS, Robert Gallery, a University of Iowa
6 senior from Masonville, Iowa, was awarded the 2003
7 Outland Trophy designating him the nation's best
8 college football interior lineman in the country; and

9 WHEREAS, Robert Gallery was also named first team
10 All-American by the Associated Press and first team
11 All-Big Ten Conference, and was selected the Big Ten

12 Conference Offensive Lineman of the Year; and
 13 WHEREAS, Robert Gallery started 44 consecutive
 14 games on the offensive line for the University of Iowa
 15 and led the Iowa football team to two consecutive New
 16 Year's Day bowl appearances; and
 17 WHEREAS, Robert Gallery received academic All-Big
 18 Ten awards in the past three seasons; NOW THEREFORE,
 19 BE IT RESOLVED BY THE SENATE, That Robert Gallery
 20 be congratulated for the success and recognition he
 21 helped bring to the University of Iowa and to the
 22 Hawkeye football team and for his outstanding
 23 leadership, inspiration, and teamwork exhibited
 24 throughout his career at the University of Iowa.

SENATE RESOLUTION 129: filed March 10, 2004; adopted by
 the Senate on April 12, 2004.

1 SENATE RESOLUTION 129
 2 By: Iverson
 3 A resolution to recognize Technical Sergeant Brian Dutcher
 4 of the Iowa Air National Guard and his employer, Iowa
 5 Select Farms, for their receipt of the George W. Bush
 6 Award.
 7 WHEREAS, the George W. Bush Award recognizes a
 8 traditional national guardsman who has made
 9 significant contributions to the Air National Guard;
 10 and
 11 WHEREAS, the George W. Bush Award also recognizes
 12 the national guardsman's employer, without whose
 13 support these significant contributions would not have
 14 been possible; and
 15 WHEREAS, Technical Sergeant Dutcher and his
 16 civilian supervisor at Iowa Select Farms, Stephen
 17 Hartwell, were honored in a ceremony held at the Air
 18 National Guard Senior Leadership Conference in
 19 Baltimore, Maryland, on December 16, 2003, where they
 20 received the third annual George W. Bush Award; and
 21 WHEREAS, Technical Sergeant Dutcher is a five-year
 22 member of the 132d Fighter Wing, a combat F-16 unit,
 23 located in Des Moines, Iowa, where he is a senior
 24 munitions controller; and
 25 WHEREAS, the 132d Fighter Wing has 1,000 members
 26 and has supported recent operations such as Operation
 27 Northern Watch, Operation Southern Watch, Operation
 28 Noble Eagle, Operation Enduring Freedom, and Operation
 29 Iraqi Freedom, and was one of the first units in the
 30 Air National Guard with precision guided munitions

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1 delivery capability; and
2 WHEREAS, Technical Sergeant Dutcher has been
3 selected to attend the Academy of Military Science
4 this spring and upon completion will be commissioned
5 as an officer in the Air National Guard, specializing
6 in the area of intelligence; and
7 WHEREAS, Technical Sergeant Dutcher is employed by
8 Iowa Select Farms as an information technology manager
9 and network administrator; and
10 WHEREAS, Iowa Select Farms, located in Iowa Falls,
11 is the largest Iowa-based pork producer in the state
12 and employs over 900 people in 26 counties; and
13 WHEREAS, Jeff Hansen, President and CEO of Iowa
14 Select Farms, recognizes the benefits of hiring
15 military personnel and of providing appropriate and
16 responsible support to employees of Iowa Select Farms
17 who are members of the Iowa National Guard and to
18 their families; and
19 WHEREAS, Iowa Select Farms plans to match the \$500
20 George W. Bush Award with a \$1,000 donation to The
21 Fisher House Program which supports families of
22 America's military in times of need; and
23 WHEREAS, the people of the State of Iowa take great
24 pride in the contributions of Technical Sergeant
25 Dutcher and his employer, Iowa Select Farms, to the
26 Air National Guard and in their receipt of the George
27 W. Bush Award; NOW THEREFORE,
28 BE IT RESOLVED BY THE SENATE, That the Senate
29 recognize Technical Sergeant Dutcher and the
30 management of Iowa Select Farms for their dedication

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1 and contributions to the Air National Guard and to the
2 132d Fighter Wing and for their receipt of the George
3 W. Bush Award; and
4 BE IT FURTHER RESOLVED, That a copy of this
5 resolution be presented to Technical Sergeant Brian
6 Dutcher, to a representative of Iowa Select farms, and
7 to a representative of the 132d Fighter Wing.

SENATE RESOLUTION 130: filed March 11, 2004; adopted by
the Senate on March 18, 2004.

1 SENATE RESOLUTION 130
2 By: Dearden and McKinley
3 A resolution honoring Haley Dunn.
4 WHEREAS, Ms. Haley Dunn of Eddyville, Iowa, is an
5 accomplished skeet shooter, having won numerous medals

6 at the junior women's and women's levels in major
 7 competitions held throughout this country and abroad;
 8 and
 9 WHEREAS, her championships include the Gold Medal
 10 at the Junior Women's Skeet National Championships two
 11 years in a row and the Silver Medal at the World Clay
 12 Target Championships in Nicosia, Cyprus, in 2003; and
 13 WHEREAS, Ms. Dunn has also placed in the top three
 14 in recent international competitions in Granada,
 15 Spain, Perth, Australia, and Lonato, Italy; and
 16 WHEREAS, she is currently in second place in the
 17 United States Olympic Games trials, down by only three
 18 targets with 300 targets yet to shoot at the trials to
 19 be held in late March in Fort Benning, Georgia; and
 20 WHEREAS, Ms. Dunn was accepted as a resident
 21 athlete at the Olympic Training Center in Colorado
 22 Springs, Colorado, where she is currently residing and
 23 training; and
 24 WHEREAS, her goal of competing in the Olympic Games
 25 may soon be accomplished; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate
 27 congratulates Ms. Dunn on her significant
 28 accomplishments to date and wishes her the best in the
 29 upcoming competition to represent the United States in
 30 the Olympic Games; and

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1 BE IT FURTHER RESOLVED, That an official copy of
 2 this resolution be prepared and presented to Ms. Haley
 3 Dunn.

SENATE RESOLUTION 131: filed March 17, 2004; adopted by
 the Senate on April 13, 2004.

1 SENATE RESOLUTION 131
 2 By: Johnson, Shull, Angelo, Zieman, Miller, Tinsman,
 3 Houser, McKinley, Hosch, Kettering, Brunkhorst,
 4 Gaskill, Boettger, McKibben, Sievers, Schuerer, Ward,
 5 Veenstra, Drake, Redfern, Lundby, Seymour, Behn,
 6 Wieck, Rehberg, Putney, Lamberti, Iverson, Beall,
 7 Quirmbach, Kreiman, Warnstadt, Bolkom, Seng, McCoy,
 8 Courtney, Ragan, Holveck, Kibbie, Connolly, Dvorsky,
 9 Stewart, Horn, Fraise, Dearden, Dotzler, Hatch,
 10 and Gronstal
 11 A resolution honoring George S. Mills for his service
 12 to the people of Iowa as a reporter, author, and
 13 noted Iowa historian.
 14 WHEREAS, George "Lefty" Mills was born on June 15,
 15 1906, in Chicago, Illinois, and began his career in
 16 Iowa in 1928 as a news reporter at the Marshalltown

17 Times-Republican, and went on to work for the Iowa
 18 Daily Press Association, the Associated Press, the
 19 Cedar Rapids Gazette, the Des Moines Register where he
 20 worked for nearly 30 years, and WHO-TV; and
 21 WHEREAS, Mr. Mills became an influential and well-
 22 respected newsman for his insightful and prolific news
 23 stories covering many significant and controversial
 24 Statehouse and political issues, including but not
 25 limited to the Iowa Caucuses, the 1930s farm riots,
 26 governors' cars, secret liquor money, sleeping judges,
 27 Prohibition, reapportionment, and Prairie Meadows; and
 28 WHEREAS, Mr. Mills' versatile reporting style was
 29 further evidenced by his human interest stories
 30 covering both famous and ordinary Iowans from the

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1 colorful to the tragic, for which he received national
 2 recognition; and
 3 WHEREAS, Mr. Mills' keen reporting and research
 4 skills led to his collection of notes, diaries,
 5 correspondence, and photographs on many topics
 6 covering Iowa's rich history over nearly eight
 7 decades, and included many items which he generously
 8 donated to the Iowa State Historical Society; and
 9 WHEREAS, Mr. Mills' tireless energy and affinity
 10 for Iowa led him to author several books on Iowa
 11 history including a book on F. M. Hubbell, a book on
 12 the history of Iowa, and a book on the history of the
 13 Des Moines Register and the Des Moines Tribune; and
 14 WHEREAS, Mr. Mills is remembered by family,
 15 friends, and colleagues for his intelligence and
 16 enthusiastic and tenacious personality, and as a
 17 gentleman and a scholar, whose vast knowledge of
 18 Iowans, Iowa politics, and Iowa history is legendary;
 19 NOW THEREFORE,
 20 BE IT RESOLVED BY THE SENATE, That the Senate
 21 honors the memory and the legacy of Mr. George S.
 22 Mills for his significant journalistic contributions,
 23 which provided a historical context for current events
 24 and touched the lives of Iowans from all walks of
 25 life; and
 26 BE IT FURTHER RESOLVED, That upon passage, the
 27 Secretary of the Senate shall deliver an official copy
 28 of this resolution to his children, Mary Mills Dunea
 29 of Chicago, Illinois, Thomas M. Mills of Augusta,
 30 Georgia, George S. Mills III of Rockville, Maryland,

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1 and Katherine Sweney Mills Mace of Madison, Wisconsin;
 2 and his brother, Thomas W. Mills of Markeson,
 3 Wisconsin.

SENATE RESOLUTION 132: filed March 17, 2004; adopted by the Senate on April 12, 2004.

SENATE RESOLUTION 132

1 By: Lundby
 2 A resolution honoring the town of Palo and its surrounding
 3 community on the town's sesquicentennial year.
 4 WHEREAS, Palo is a small Eastern Iowa town first
 5 settled by Mr. John Hollenbeck when Iowa was still a
 6 territory, and later by Mr. John G. Cole who on June
 7 10, 1854, had the site of the present town surveyed on
 8 the northeast quarter of section 29, of Fayette
 9 Township 84 north, range 8; and
 10 WHEREAS, Palo and its surrounding community is the
 11 site of a number of businesses and homes, with a
 12 thriving religious congregation and a religious
 13 tradition which traces its origins to the town's
 14 founders and to a church erected in 1870, which
 15 continues to stand as a reminder of the town's
 16 history; and
 17 WHEREAS, the most prominent landmark of Palo and
 18 its surrounding community is the Duane Arnold Energy
 19 Center, which became operational in 1974, produces
 20 approximately 13 percent of the state's electricity,
 21 and employs more than 500 hardworking and well-trained
 22 people, many of whom live in or near the Palo
 23 community; and
 24 WHEREAS, another significant feature of Palo and
 25 its surrounding community is the 410-acre lake at
 26 Pleasant Creek State Recreation Area and 1,517 acres
 27 of land around the lake which provides wide-ranging
 28 recreational opportunities for outdoor enthusiasts
 29 including ice fishing, scuba diving, swimming,

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1 camping, picnicking, hiking, horseback riding,
 2 hunting, bird-watching, snowmobile riding, and cross-
 3 country skiing; and
 4 WHEREAS, on June 12, 2004, Palo and its surrounding
 5 community will celebrate the 150th anniversary of the
 6 town's founding, featuring a variety of entertainment
 7 including a parade, garden tractor pull, dance, and
 8 fireworks; NOW THEREFORE,
 9 BE IT RESOLVED BY THE SENATE, That the Senate
 10 recognizes and extends its congratulations to the town
 11 of Palo and its surrounding community on the town's
 12 sesquicentennial anniversary year and for its 150
 13 years of service to its citizens and to the State of
 14 Iowa; and
 15 BE IT FURTHER RESOLVED, That an official copy of

16 this resolution be prepared and presented to Mayor
17 Larry Dauenaugh, Mr. John Huntington, and Ms. Ruth
18 Kibbie, citizens of the town of Palo and its
19 surrounding community.

SENATE RESOLUTION 133: filed March 18, 2004; adopted by
the Senate on March 22, 2004.

1 SENATE RESOLUTION 133
2 By: Sievers
3 A resolution recognizing the achievements of the North
4 Scott Little League team from Eldridge, Iowa, in
5 winning the Midwest Championship of the 2003 Little
6 League Baseball World Series.
7 WHEREAS, the North Scott Little League Team from
8 Eldridge were the Midwest Champions of the 2003 Little
9 League World Series, defeating teams from Iowa and
10 many other midwest states en route to winning the
11 championship; and
12 WHEREAS, the North Scott Little League Team has
13 brought distinction to this state by displaying a high
14 degree of teamwork, discipline, and effort in
15 achieving an overall record of 18 wins and 7 losses
16 during the regulation and exhibition phases of the
17 series; NOW THEREFORE,
18 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
19 salutes the achievements of the North Scott Little
20 League Team in winning the Midwest Championship of the
21 2003 Little League Baseball World Series; and
22 BE IT FURTHER RESOLVED, That the Senate expresses
23 appreciation to the team for representing the best
24 qualities of Iowans while competing with teams from
25 other states and nations; and
26 BE IT FURTHER RESOLVED, That upon passage of this
27 resolution, the Secretary of the Senate shall provide
28 an official copy of this Resolution for presentation
29 to the North Scott Little League Team.

SENATE RESOLUTION 135: filed March 23, 2004; adopted by
the Senate on April 7, 2004.

1 SENATE RESOLUTION 135
2 By: Dvorsky
3 A resolution honoring University of Iowa football
4 player Nate Kaeding from Coralville, Iowa.
5 WHEREAS, Nate Kaeding, over the course of his
6 career as a University of Iowa football player, has
7 been awarded the Lou Groza Collegiate Place-Kicker
8 Award, and was named First-Team All-American; and
9 WHEREAS, Mr. Kaeding set the Big Ten Conference

10 single season scoring record for kickers; and
11 WHEREAS, Mr. Kaeding set a University of Iowa
12 record by making 22 consecutive field goals; and
13 WHEREAS, Nate Kaeding set the Iowa point after
14 touchdown (PAT) record, the record for most kicking
15 points in a game, and ranks third in career scoring
16 points; and
17 WHEREAS, Mr. Kaeding has been named Academic All-
18 Big Ten Conference; NOW THEREFORE,
19 BE IT RESOLVED BY THE SENATE, That the Senate
20 congratulates Nate Kaeding for the success and honor
21 he brought to the University of Iowa and to the
22 Hawkeye Football Team, and for the teamwork and
23 leadership he demonstrated on and off the football
24 field.

SENATE RESOLUTION 136: filed March 23, 2004; adopted by
the Senate on March 25, 2004.

1 SENATE RESOLUTION 136
2 By: Rehberg
3 A resolution honoring the Dunkerton High School Boys'
4 Basketball Team on their 2004 state championship.
5 WHEREAS, the Dunkerton High School Boys' Basketball
6 Team made their first appearance at the boys' state
7 basketball tournament this year since winning the
8 championship 71 years ago; and
9 WHEREAS, Dean Holdiman, who played center for
10 Dunkerton's state championship team in 1933, during
11 President Franklin Roosevelt's first term in office,
12 cheered this year's team on at the state tournament
13 and served as a good-luck charm; and
14 WHEREAS, the Dunkerton Raiders, coached by Justin
15 Little, went into the state tournament with a 24-1
16 record, and captured the 2004 Class 1-A title by
17 convincingly winning their three tournament games,
18 ending their season with a 27-1 record; and
19 WHEREAS, Dunkerton seniors Brian Brungard and Kyle
20 Kuentling were honored by being named to the Class 1-
21 A All-Tournament Team; and
22 WHEREAS, Brian Brungard was also named to the Boys'
23 Class 1-A All-State Second Team; and
24 WHEREAS, the Boys' Team and its loyal Dunkerton
25 fans also won the Iowa High School Athletic
26 Association Board of Control's Class 1-A Sportsmanship
27 Award, of which they should be exceedingly proud; and
28 WHEREAS, by their impressive effort throughout the
29 basketball season and their outstanding performance at
30 the state tournament, the individual members of the

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1 Dunkerton Boys' Basketball Team have demonstrated the
2 kind of character and competitive spirit valued by
3 their high school, their community, and the State of
4 Iowa; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 congratulates the members of the Dunkerton Boys'
7 Basketball Team and their coach on winning the 2004
8 Class 1-A State Championship and thanks them for the
9 honor and recognition they have brought to their
10 school and to the State of Iowa; and
11 BE IT FURTHER RESOLVED, That, upon adoption, an
12 official copy of this resolution be prepared for
13 presentation to Coach Justin Little and the Dunkerton
14 High School Boys' Basketball Team.

SENATE RESOLUTION 138: filed March 24, 2004; adopted by
the Senate on April 5, 2004.

1 SENATE RESOLUTION 138
2 By: Sievers, Seng, Stewart, Drake, and Tinsman
3 A resolution honoring Dr. John T. Blong, Chancellor of
4 Eastern Iowa Community College District.
5 WHEREAS, Dr. John T. Blong has provided outstanding
6 leadership for Eastern Iowa Community College District
7 as chancellor since 1986; and
8 WHEREAS, Dr. Blong has announced his retirement
9 this June as Chancellor of Eastern Iowa Community
10 College District, ending a distinguished 37-year
11 career in Iowa's community colleges; and
12 WHEREAS, in his 18 years as chancellor, Eastern
13 Iowa Community College District has become synonymous
14 with innovation and excellence; and
15 WHEREAS, Dr. Blong instituted a Continuous Quality
16 Improvement initiative, a national environmental
17 training center, and innovative international
18 education activities that have garnered Eastern Iowa
19 Community College District national recognition; and
20 WHEREAS, Eastern Iowa Community College District is
21 the first and only educational institution to win the
22 state quality award, the Iowa Recognition for
23 Performance Excellence; and
24 WHEREAS, Dr. Blong has developed numerous
25 partnerships with educational institutions, business
26 and industry, community organizations, and local
27 governments that have expanded the capacity of all
28 parties to meet eastern Iowans' educational and career
29 training needs; and
30 WHEREAS, Dr. Blong has provided outstanding

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1 leadership at the state and national level during a
 2 period of great growth and expansion of the role of
 3 community colleges; and
 4 WHEREAS, Dr. Blong has been honored as both Central
 5 Region and National Chief Executive Officer of the
 6 Year in 2003 by the Association of Community College
 7 Trustees; NOW THEREFORE,
 8 BE IT RESOLVED BY THE SENATE, That the Senate
 9 recognizes Dr. John T. Blong for his dedication to
 10 Eastern Iowa Community College District, its students,
 11 and its communities, and honors his efforts to
 12 establish Eastern Iowa Community College District as a
 13 role model for community colleges throughout Iowa and
 14 the nation; and
 15 BE IT FURTHER RESOLVED, That upon passage, the
 16 Secretary of the Senate shall cause an official copy
 17 of this resolution to be prepared for presentation to
 18 Dr. John T. Blong, Chancellor of Eastern Iowa
 19 Community College District.

SENATE RESOLUTION 139: filed March 24, 2004; adopted by
 the Senate on April 6, 2004.

1 SENATE RESOLUTION 139
 2 By: Boettger and Ragan
 3 A resolution to recognize May 2004 as Hepatitis C
 4 Awareness and Education Month and to urge greater
 5 public awareness and education regarding hepatitis C.
 6 WHEREAS, hepatitis C is the most common chronic
 7 bloodborne viral infection in the United States,
 8 infecting 3.9 million people nationwide and an
 9 additional 25,000 people each year, and is the leading
 10 cause of liver disease, elevating the risk of chronic
 11 liver disease, liver cancer, and other hepatitis C
 12 virus-related illnesses; and
 13 WHEREAS, sixty-seven percent of hepatitis C-
 14 infected persons are chronically infected and
 15 approximately 8,000 to 10,000 people in the United
 16 States die each year from conditions caused by
 17 hepatitis C; and
 18 WHEREAS, there were 52,943 estimated cases of
 19 hepatitis C in Iowa according to 2001 census data with
 20 an additional 3,946 cases identified in Iowa between
 21 January 1, 2002, and August 31, 2003; and
 22 WHEREAS, infected individuals who are unaware that
 23 they are infected are unlikely to take precautions to
 24 prevent the spread or exacerbation of their infection;
 25 and
 26 WHEREAS, in the absence of a vaccine for hepatitis

27 C, emphasis must be placed on other means of awareness
28 and prevention of this disease, including education of
29 persons at high risk for hepatitis C as defined by the
30 federal Centers for Disease Control and Prevention, as

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1 well as peace officers, fire fighters, health care
2 workers, and the general public; NOW THEREFORE,
3 BE IT RESOLVED BY THE SENATE, That the members of
4 the Senate recognize May 2004 as Hepatitis C Awareness
5 and Education Month; and
6 BE IT FURTHER RESOLVED, That the Iowa Department of
7 Public Health provide to the General Assembly the
8 findings of the State Advisory Committee on Hepatitis,
9 including recommendations for programs and policies
10 related to hepatitis C awareness, education,
11 screening, prevention, and treatment, by December 31,
12 2004; and
13 BE IT FURTHER RESOLVED, That, upon adoption, the
14 Secretary of the Senate shall send a copy of this
15 resolution to the Iowa Department of Public Health.

SENATE RESOLUTION 140: filed March 25, 2004; adopted by
the Senate on April 6, 2004.

1 SENATE RESOLUTION 140
2 By: Tinsman and Miller
3 A resolution encouraging the adoption of the Iowa tartan
4 and the Iowa dress tartan as official state tartans.
5 WHEREAS, Tartan Day has been recognized and
6 celebrated on April 6 since 1999 to commemorate the
7 signing of the Declaration of Arbroath that inspired
8 the United States Declaration of Independence and to
9 recognize the contributions of the people of Scottish
10 and Scots-Irish heritage to the United States and
11 Iowa; and
12 WHEREAS, twenty states, the United States, all of
13 the Canadian provinces, some of the American military
14 forces, and several cities in the United States have
15 adopted their own tartan which can be worn by anyone
16 of any nationality, known as district tartans; and
17 WHEREAS, Iowa has a rich history of Scottish
18 influence in the founding of towns, cities, and
19 counties; and that history is reflected in place names
20 and celebrations throughout Iowa; and
21 WHEREAS, Iowans of Scottish and Scots-Irish descent
22 have shown leadership in the fields of science,
23 industry, literature, politics, exploration, and
24 conservation; and
25 WHEREAS, the Scottish community had input into the

26 creation of the Iowa tartan and Iowa dress tartan; and
 27 WHEREAS, the colors chosen for the Iowa tartans
 28 were chosen to symbolize Iowa: blue for the sky, our
 29 rivers and lakes; green for the fields our farmers
 30 plant; black for the rich soil with which we are

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1 blessed; white for snow; red for barns and the state
 2 flower, the wild rose; brown for the earth; and yellow
 3 for corn and the state bird, the goldfinch; and
 4 WHEREAS, the Iowa Scottish Heritage Society
 5 initiated the creation of the state tartans as gifts
 6 for all of the people of Iowa to symbolize the nature,
 7 qualities, and beauty of Iowa and as a symbol of unity
 8 and all that weaves us together as Iowans; NOW
 9 THEREFORE,
 10 BE IT RESOLVED BY THE SENATE, That the Senate
 11 supports adoption of the Iowa tartan and the Iowa
 12 dress tartan designs submitted by the Iowa Scottish
 13 Heritage Society as the official Iowa tartans; and
 14 BE IT FURTHER RESOLVED, That a copy of this
 15 resolution be sent to the Governor requesting
 16 executive approval of such tartans as the official
 17 Iowa tartan and Iowa dress tartan.

SENATE RESOLUTION 141: filed March 29, 2004; adopted by
 the Senate on April 12, 2004.

1 SENATE RESOLUTION 141
 2 By: Lundby
 3 A resolution honoring the town of Center Point and its
 4 surrounding community on the town's sesquicentennial
 5 year.
 6 WHEREAS, in 1839 Mr. Bartimeus McGonigle, who was
 7 followed by others, founded a settlement near the
 8 Cedar River that projected into the Eastern Iowa
 9 prairie and was known as McGonigle's Point; and
 10 WHEREAS, in 1854 a village plat was surveyed and
 11 the name of the village was changed to Center Point in
 12 recognition of the fact that it was the halfway stop
 13 on a stagecoach route that extended from the city of
 14 Marion to the towns of Quasqueton and Independence;
 15 and
 16 WHEREAS, Center Point grew into a thriving town,
 17 becoming the site of a number of homes and businesses,
 18 a thriving religious congregation, and a prosperous
 19 farming community, with a historical heritage
 20 preserved in the photographs of Mr. James Fairbanks;
 21 and
 22 WHEREAS, the citizens of Center Point treasure its

23 past, including main street buildings dating from the
 24 1870s, which stand as a reminder of the town's
 25 history, and also look forward to a promising future
 26 with the construction of new houses and schools; and
 27 WHEREAS, this tradition of preserving the past
 28 while moving confidently forward is reflected in the
 29 old site of the Burlington, Cedar Rapids and Northern
 30 Railroad, the conversion of its depot into a

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1 historical museum, and the establishment of the Cedar
 2 Valley Nature Trail on its former rail bed, which
 3 extends through Center Point and its surrounding
 4 community including forested bottomlands, and rolling
 5 farmlands; and
 6 WHEREAS, on July 8 through 11, 2004, Center Point
 7 and its surrounding community will celebrate the 150th
 8 anniversary of the town's founding, in conjunction
 9 with its Pork Days Celebration and the All School
 10 Reunion with a number of events, including a concert,
 11 talent show, parade, spelling bee, reenactment of the
 12 pageant given 50 years ago, and the largest fireworks
 13 display in Center Point history; NOW THEREFORE,
 14 BE IT RESOLVED BY THE SENATE, That the Senate
 15 recognizes and extends its congratulations to the town
 16 of Center Point and its surrounding community on the
 17 town's sesquicentennial anniversary year and for its
 18 150 years of service to its citizens and to the State
 19 of Iowa; and
 20 BE IT FURTHER RESOLVED, That an official copy of
 21 this resolution be prepared and presented to Mayor
 22 Paula Freeman-Brown and Ms. Teresa Scheeler.

SENATE RESOLUTION 142: filed March 29, 2004; adopted by
 the Senate on March 31, 2004.

1 SENATE RESOLUTION 142
 2 By: Boettger
 3 A resolution urging the federal government to establish
 4 a National Center for Rural and Agricultural
 5 Behavioral Health in Iowa.
 6 WHEREAS, Iowa is widely recognized as a leading
 7 agricultural producing state in the world and its
 8 farmers and rural residents are recognized for their
 9 work ethic in providing food and other products to
 10 consumers in this nation and the world; and
 11 WHEREAS, persons in rural America, including farm
 12 families, are affected by a number of health issues,
 13 including those relating to improving physical safety,
 14 alleviating stress, and promoting family

15 relationships; and
 16 WHEREAS, Iowa has a number of outstanding state and
 17 local institutions, including universities, which
 18 administer programs that focus upon agriculture,
 19 health, and rural health, and which include the Center
 20 for Rural Health and Primary Care; and
 21 WHEREAS, there is a vital need for a national rural
 22 behavioral health initiative in order to provide
 23 opportunities to rural populations and families who do
 24 not have access to appropriate care; and
 25 WHEREAS, preliminary planning and work by
 26 individuals and organizations in Iowa and in other
 27 upper midwestern states have concluded that there is a
 28 need for a National Center for Rural and Agricultural
 29 Behavioral Health; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the United

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1 States Congress, together with interested private and
 2 public interests, is urged to cooperate at all levels
 3 to assist in the planning, funding, and development of
 4 a National Center for Rural and Agricultural
 5 Behavioral Health to be established in Iowa; and
 6 BE IT FURTHER RESOLVED, that a copy of this
 7 resolution be sent to the President of the United
 8 States, the United States Secretary of Agriculture,
 9 the United States Secretary of Labor, the United
 10 States Secretary of Health and Human Services, the
 11 President of the Senate of the United States, the
 12 Speaker of the House of Representatives of the United
 13 States, the Chair of the United States Senate
 14 Committee on Agriculture, Nutrition, and Forestry, the
 15 Chair of the United States House of Representatives
 16 Committee on Agriculture, and the members of Iowa's
 17 congressional delegation.

SENATE RESOLUTION 143: filed March 30, 2004; adopted by
 the Senate on March 30, 2004.

1 SENATE RESOLUTION 143
 2 By: Boettger
 3 A resolution honoring Harlan Community Schools for
 4 their achievements in academics, music, vocational
 5 training, and sports.
 6 WHEREAS, Harlan Community Schools have recently
 7 excelled in numerous curricular and extracurricular
 8 activities, and have been recognized for significant
 9 achievements, especially in the area of academic
 10 performance; and
 11 WHEREAS, last year Harlan Community High School

12 seniors averaged a score of 23.5 on ACT tests,
13 exceeding both national and state averages, as has
14 occurred for many years; and
15 WHEREAS, the Annual Report on Iowa Student
16 Achievement and Accountability prepared by the
17 Department of Education for 2004 lists Harlan
18 Community Schools as scoring among the top 5 percent
19 of Iowa's fourth and eighth grade students in the
20 areas of math and reading; and
21 WHEREAS, the Harlan Community School Marching Band
22 has received 22 consecutive number-one ratings at
23 marching band contests; and
24 WHEREAS, Harlan Community School Jazz Bands have
25 never placed lower than fourth in state jazz contests
26 over 30 years, including two first-place finishes; and
27 WHEREAS, Harlan Community Schools have recently
28 qualified four teams for the national Destination
29 Imagination Contest in Knoxville, Tennessee; and
30 WHEREAS, the Harlan Community Future Farmers of

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1 America (FFA) is the largest chapter in the state and
2 this year is being recognized by the state FFA as the
3 Outstanding FFA Chapter in Iowa; and
4 WHEREAS, the Harlan Community High School Boys'
5 Basketball Team won the 2004 Class 3A State
6 Championship with a 27-0 record; and
7 WHEREAS, seventh, eighth, and ninth grade, and
8 reserve teams were all undefeated this basketball
9 season; and
10 WHEREAS, the Boys' Football Team won the 2003 Class
11 3A State Championship with a 13-0 record, thus placing
12 first or second for 17 years out of the last 30 years;
13 and
14 WHEREAS, the Boys' Track Team won the 2003 Class 3A
15 State Championship; and
16 WHEREAS, the Boys' Baseball Team won the 2003 Class
17 3A State Championship with a 29-7 record; and
18 WHEREAS, the boys' baseball, football, and
19 basketball teams recorded 57 consecutive wins through
20 their respective seasons; and
21 WHEREAS, the students of Harlan Community School
22 have demonstrated the kind of character and
23 competitive spirit valued by their schools, their
24 community, and the State of Iowa, NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, That the Senate
26 congratulates the students, parents, teachers, and
27 administrators of the Harlan Community Schools for
28 their many achievements and thanks them for the honor
29 and recognition they have brought to their school and
30 to the State of Iowa; and

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1 BE IT FURTHER RESOLVED, That, upon adoption, an
 2 official copy of this resolution be prepared for
 3 presentation to the Superintendent of the Harlan
 4 Community Schools for sharing with the entire Harlan
 5 community.

SENATE RESOLUTION 144: filed March 30, 2004; adopted by
 the Senate on March 30, 2004.

1 SENATE RESOLUTION 144
 2 By: Wieck and Warnstadt
 3 A resolution honoring the Morningside College Women's
 4 Basketball Team on their national championship.
 5 WHEREAS, Morningside College of Sioux City used a
 6 record setting three-point shooting display to win its
 7 first-ever women's basketball national championship
 8 when it defeated Cedarville University 87-74 in the
 9 title game of the NAIA Division II National Tournament
 10 in Sioux City's Tyson Events Center/Gateway Arena; and
 11 WHEREAS, the Morningside Mustangs made a national
 12 tournament single-game record 17 three-point field
 13 goals to erase the former record of 15 three-pointers
 14 the Mustangs made in their opening round win; and
 15 WHEREAS, Morningside shot a sizzling 48.6 percent
 16 from beyond the three-point arc with 17 treys in 35
 17 attempts; and
 18 WHEREAS, Morningside had 47 three-point field goals
 19 in its five national tournament games to also set a
 20 record; and
 21 WHEREAS, Megan Cloud led the way by bombing in
 22 eight of 11 three-point shots to tie the national
 23 tournament single-game record set in the first game of
 24 the tournament by Kate Lokken, the only senior on the
 25 team; and
 26 WHEREAS, Megan Cloud finished with 34 points to go
 27 along with six assists and six rebounds, and was named
 28 the tournament's Most Valuable Player; and
 29 WHEREAS, Megan Cloud was joined on the all-
 30 tournament team by teammates Brittany Carper and Kate

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1 Lokken; and
 2 WHEREAS, Morningside finished its storybook season
 3 with a 34-4 record to set a school record for
 4 victories, while Cedarville bowed out at 35-3 and had
 5 its 23-game winning streak snapped; and
 6 WHEREAS, Coach Jamie Sale was named NAIA Division
 7 II Coach of the Year and Brittany Carper, former Sioux

8 City East standout, was named NAIA Division II
9 National Player of the Year; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, That the Senate
11 congratulates the Morningside College Women's
12 Basketball Team and their coach on winning the NAIA
13 Division II Women's Basketball National Championship
14 and thanks them for the honor and recognition they
15 have brought to Morningside College and to the State
16 of Iowa; and
17 BE IT FURTHER RESOLVED, That, upon adoption, an
18 official copy of this resolution be prepared for
19 presentation to Coach Jamie Sale and the Morningside
20 College Women's Basketball Team.

SENATE RESOLUTION 145: filed March 30, 2004; adopted by
the Senate on April 13, 2004.

1 SENATE RESOLUTION 145
2 By: Hosch
3 A resolution recognizing Parents' Day.
4 WHEREAS, in 1994, the One Hundred Third Congress of
5 the United States established the fourth Sunday of
6 July as Parents' Day pursuant to House Joint
7 Resolution 398 as a recurring, perennial day of
8 commemoration; and
9 WHEREAS, according to that resolution, Parents' Day
10 was established for "recognizing, uplifting, and
11 supporting the role of parents in the rearing of their
12 children"; and
13 WHEREAS, Parents' Day is a time to focus attention
14 on the centrality of the parental role that stresses
15 parental commitment and responsibility; and
16 WHEREAS, Parents' Day was established, in part, to
17 recognize parental role models who help to instill in
18 young people a renewed awareness about their
19 responsibility for service to society and to become
20 peacemakers in their communities; and
21 WHEREAS, Parents' Day is an opportunity for
22 communities and organizations to honor exemplary
23 parents through celebrations, honor ceremonies, and
24 activities; NOW THEREFORE,
25 BE IT RESOLVED BY THE SENATE, That the Senate
26 recognizes national Parents' Day and encourages
27 private citizens, organizations, and governmental
28 entities at the state and local levels to celebrate
29 Parents' Day to recognize the rewarding, challenging,
30 and vital role of parents.

SENATE RESOLUTION 146: filed March 30, 2004; adopted by the Senate on March 31, 2004.

1 SENATE RESOLUTION 146
 2 By: Black and Iverson
 3 A resolution expressing the State of Iowa's appreciation
 4 of its strong relations with the Republic of China
 5 on Taiwan.
 6 WHEREAS, the State of Iowa and several cities in
 7 Iowa have established formal sister state and sister
 8 city relationships with regions and cities in the
 9 Republic of China on Taiwan; and
 10 WHEREAS, the State of Iowa, one of the leading
 11 agricultural-producing areas of the world, has
 12 developed strong economic ties with the Republic of
 13 China on Taiwan, which includes a dynamic trade
 14 partnership with Iowa commodity organizations and
 15 producers of the highest quality agricultural products
 16 including beef, pork, corn, and soybeans; and
 17 WHEREAS, the State of Iowa extends friendship and
 18 goodwill to the people of the Republic of China on
 19 Taiwan and expresses confidence that these two areas
 20 of the world will prosper from this partnership; NOW
 21 THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 23 declares the State of Iowa's appreciation for its
 24 strong relations with the Republic of China on Taiwan,
 25 and with the honorable Thomas T. S. Cheng, Director
 26 General, Taipei Economic and Cultural Office, Chicago,
 27 Illinois; and
 28 BE IT FURTHER RESOLVED, That a copy of this
 29 resolution be presented to the honorable Director
 30 General Thomas T. S. Cheng, Taipei Economic and

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1 Cultural Office and representatives of the Republic of
 2 China on Taiwan.

SENATE RESOLUTION 147: filed March 31, 2004; adopted by the Senate on April 14, 2004.

1 SENATE RESOLUTION 147
 2 By: McKibben
 3 A resolution requesting the congressional
 4 delegation of the State of Iowa to work to make the
 5 federal tax cuts permanent.
 6 WHEREAS, each year President George W. Bush has
 7 proposed and Congress has enacted a tax cut designed
 8 to strengthen the American economy and increase

9 employment opportunities for working families; and
 10 WHEREAS, tax cuts signed into law reduced income
 11 taxes for all taxpayers, eliminated the marriage
 12 penalty and death tax, increased the child credit
 13 rebate and business expensing, expanded individual
 14 retirement accounts, and cut the double taxation of
 15 dividends and capital gains; and
 16 WHEREAS, economic growth stemming from the latest
 17 tax cut accelerated at its fastest rate in 20 years in
 18 the third quarter of 2003; and
 19 WHEREAS, provisions set forth in the tax cut are
 20 set to expire starting in 2005 and will be completely
 21 phased out by the year 2012; and
 22 WHEREAS, expiration of the existing tax cuts will
 23 increase taxes by 50 percent for lower-income
 24 families, the child credit will fall by 50 percent,
 25 the marriage penalty will be reinstated, education
 26 savings will be taxed, retirement savings will shrink,
 27 and every taxpayer will face an income tax increase;
 28 and
 29 WHEREAS, expiration of the existing tax cuts will
 30 result in the largest tax increase in American history

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1 and will stifle economic growth; and
 2 WHEREAS, making all the tax cuts permanent will
 3 allow taxpayers to feel more confident investing in
 4 their child's college education or saving for
 5 retirement, all while ensuring increased economic
 6 growth; NOW THEREFORE,
 7 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 8 requests Iowa's elected representatives and senators
 9 in the United States Congress to support and vote to
 10 make President Bush's tax cuts permanent; and
 11 BE IT FURTHER RESOLVED, That copies of this
 12 resolution be transmitted to the members of Iowa's
 13 congressional delegation.

SENATE RESOLUTION 148: filed April 1, 2004; adopted by the
 Senate on April 12, 2004.

1 SENATE RESOLUTION 148
 2 By: Warnstadt, Houser, Seymour, Wieck, Gronstal,
 3 Kettering, Veenstra, Connolly, Lundby, Black,
 4 Kibbie, Ragan, Beall, Stewart, Quirnbach, Courtney,
 5 Fraise, Dvorsky, Shull, Dotzler, Kreiman, Hatch,
 6 McCoy, Bolkcom, Dearden, Holveck,
 7 Horn, and Johnson
 8 A resolution urging the United States Congress to
 9 appropriate funds to the National Park Service to

10 assist state and local governments and private
11 landowners in developing a comprehensive plan to
12 preserve and restore the Loess Hills in Iowa.
13 WHEREAS, the Loess Hills in Iowa are a unique
14 natural resource that are recognized worldwide for
15 their unique landscape and geological value; and
16 WHEREAS, the Loess Hills are also recognized for
17 their unique cultural and archaeological resources;
18 and
19 WHEREAS, the National Park Service and a team of
20 Iowa specialists completed a Special Resource Study
21 and Environmental Assessment of the Loess Hills in
22 2002; and
23 WHEREAS, the Special Resource Study provided
24 national recognition that the Loess Hills in western
25 Iowa with their extensive prairie ecosystems are of
26 “exceptional value”; and
27 WHEREAS, the Special Resource Study catalogued a
28 series of threats to the integrity of the Loess Hills
29 including erosion, displacement of prairie, unplanned
30 growth, and degradation of archaeological resources;

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1 and
2 WHEREAS, a comprehensive plan would complement and
3 assist in synthesizing the efforts of a broad range of
4 state, private, and federal programs; and
5 WHEREAS, the need for assistance is most acute in
6 the twelve special landscape areas that have been
7 identified in the Loess Hills; and
8 WHEREAS, federal assistance is needed to aid state
9 and local governments and private landowners in the
10 Loess Hills in their efforts to preserve these last
11 native prairies of Iowa and this scenic landform; and
12 WHEREAS, the State of Iowa and the nation are
13 celebrating the visit of the Lewis and Clark Corps of
14 Discovery to this treasured Iowa landform 200 years
15 ago; NOW THEREFORE,
16 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
17 urges Congress to immediately act to authorize and
18 appropriate funding to the National Park Service so
19 that the National Park Service can participate with
20 the Loess Hills Development and Conservation Authority
21 and with representatives of the Iowa Department of
22 Agriculture and Land Stewardship, the Iowa Department
23 of Natural Resources, the Iowa Department of
24 Transportation, educational institutions,
25 nongovernmental organizations, and private landowners
26 in the development of a comprehensive plan to ensure
27 the long-term protection of the Loess Hills in Iowa;
28 and

29 BE IT FURTHER RESOLVED, That the Secretary of the
30 Senate send copies of this resolution to the President

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1 of the United States; the President of the United
2 States Senate; the Speaker of the United States House
3 of Representatives; and to members of Iowa's
4 congressional delegation.

SENATE RESOLUTION 149: filed April 1, 2004; adopted by the
Senate on April 13, 2004.

1 SENATE RESOLUTION 149
2 By: Tinsman, Miller, and Brunkhorst
3 A resolution requesting the establishment of a
4 committee to study and make recommendations
5 related to the use of inmate labor for repair or
6 improvement projects at state institutions.
7 WHEREAS, inmate labor is currently used for repair
8 or improvement projects at state institutions if the
9 estimated cost of the project is less than \$25,000;
10 and
11 WHEREAS, there is potentially a great need for
12 repair or improvement projects at state institutions;
13 NOW THEREFORE,
14 BE IT RESOLVED BY THE SENATE, That the legislative
15 council is requested to establish an interim study
16 committee to study and make recommendations regarding
17 the use of inmate labor for repair or improvement
18 projects at state institutions. The charge of the
19 committee shall include, but is not limited to,
20 reviewing the overall need for repair or improvement
21 projects at state institutions, the types of labor
22 necessary to complete any repair or improvement
23 projects, and whether inmate labor is capable of
24 performing the necessary repair or improvement. The
25 committee shall also review the impact on contractors,
26 local businesses, and the overall workforce, if inmate
27 labor is used on such repairs or improvements at state
28 institutions.
29 BE IT FURTHER RESOLVED, That the members of the
30 committee should include a representative of the

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1 master builders of Iowa, the associated general
2 contractors of Iowa, and the department of
3 corrections, a representative of a labor organization,
4 and members of the general assembly.
5 BE IT FURTHER RESOLVED, That the interim study

6 committee shall report its findings and
 7 recommendations to the general assembly by December
 8 15, 2004.

SENATE RESOLUTION 150: filed April 1, 2004; adopted by the
 Senate on April 7, 2004.

1 SENATE RESOLUTION 150
 2 By: McKibben
 3 A resolution honoring the city of Alden on its
 4 sesquicentennial anniversary year.
 5 WHEREAS, the city of Alden, first settled in 1854
 6 and platted in 1855, is celebrating its 150th
 7 anniversary; and
 8 WHEREAS, Henry Alden, a direct descendent of John
 9 and Priscilla Alden who crossed the Atlantic Ocean on
 10 the Mayflower, and Sumner Kemp heard glowing reports
 11 of a vast, beautiful, rich, but unsettled land west of
 12 the Mississippi River; and
 13 WHEREAS, in 1854, Henry Alden purchased 120 acres
 14 of land for \$125 to build a saw mill, and in 1855,
 15 Sumner Kemp, along with Ira Plummer, walked to Fort
 16 Des Moines and under the Homestead Act entered 120
 17 acres for himself and 80 acres for Henry Alden on
 18 which the original plat for the city of Alden was
 19 located; and
 20 WHEREAS, the first schoolhouse was built in Alden
 21 in 1856, and a grist mill was built in 1858, although
 22 the town of Alden was not incorporated until 1879; and
 23 WHEREAS, in 1884, the Chicago, Iowa, and Dakota
 24 Railroad, now the Chicago Northwestern Railroad, was
 25 completed to Alden from Eldora, allowing perishable
 26 products to be brought to the area in refrigerator
 27 cars, instituting a time of change and advancement,
 28 and bringing new businesses such as a creamery; a
 29 wagon works; a manufacturer of dirt loading equipment,
 30 manure spreaders, excavators, and road builders; Hale

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1 Roberts Stone Co., now I.L.C. Resources; ice houses;
 2 several hotels; a grain elevator; and a lumberyard;
 3 and
 4 WHEREAS, by 1880, the city of Alden had four
 5 churches and established a post office; NOW THEREFORE,
 6 BE IT RESOLVED BY THE SENATE, That the Senate
 7 recognizes and extends its congratulations to the city
 8 of Alden on the city's sesquicentennial year and for
 9 its 150 years of service to its citizens and to the
 10 State of Iowa.

SENATE RESOLUTION 152: filed April 5, 2004; adopted by the Senate on April 5, 2004. Printed on Senate Journal page 874.

SENATE RESOLUTION 153: filed April 5, 2004; adopted by the Senate on April 6, 2004. Printed on Senate Journal Page 928.

SENATE RESOLUTION 154: filed April 5, 2004; adopted by the Senate on April 5, 2004. Printed on Senate Journal page 885.

SENATE RESOLUTION 155: filed April 5, 2004; adopted by the Senate on April 6, 2004. Printed on Senate Journal page 934.

SENATE RESOLUTION 156: filed April 5, 2004; adopted by the Senate on April 7, 2004.

1 SENATE RESOLUTION 156
2 By: Fraise and Courtney
3 A resolution honoring the Southeastern Community College
4 Men's Basketball Team on its national championship.
5 WHEREAS, the Southeastern Community College Men's
6 Basketball Team recently won its third National Junior
7 College Athletic Association (NJCAA) Division I
8 national championship in five years, winning back-to-
9 back titles in 2003 and 2004; and
10 WHEREAS, the Southeastern Community College
11 BlackHawks convincingly won their four tournament
12 games, outscoring their opponents by an average of
13 over 18 points per game; and
14 WHEREAS, the team's defensive play was stellar,
15 holding its opponents to an average field goal
16 percentage of only 31.1 percent; and
17 WHEREAS, BlackHawk team member Kelvin Pena was
18 named the Tournament's Most Valuable Player, and was
19 joined by team members Ivan Almonte and Marvett
20 McDonald on the All-Tournament Team; and
21 WHEREAS, BlackHawk Coach Joe O'Brien was also named
22 Coach of the Tournament; NOW THEREFORE,
23 BE IT RESOLVED BY THE SENATE, That the Senate
24 congratulates the Southeastern Community College Men's
25 Basketball Team and their coach on winning the NJCAA
26 Division I Men's Basketball National Championship and
27 thanks them for the honor and recognition they have
28 brought to Southeastern Community College and to the
29 State of Iowa; and
30 BE IT FURTHER RESOLVED, That, upon adoption, an

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- 1 official copy of this resolution be prepared for
- 2 presentation to Coach Joe O'Brien and the Southeastern
- 3 Community College Men's Basketball Team.

SENATE RESOLUTION 157: filed April 5, 2004; adopted by the Senate on April 7, 2004.

1 SENATE RESOLUTION 157
 2 By: Fraise and Courtney
 3 A resolution honoring Southeastern Community College
 4 Men's Basketball Coach Joe O'Brien.
 5 WHEREAS, the Southeastern Community College Men's
 6 Basketball Team recently won its third National Junior
 7 College Athletic Association (NJCAA) Division I
 8 national championship in five years, with Coach Joe
 9 O'Brien being named Coach of the Tournament for the
 10 third time; and
 11 WHEREAS, Coach O'Brien has announced his
 12 resignation after leading the Southeastern Community
 13 College BlackHawks in his eight years as coach to a
 14 231-64 record and a 76.9 winning percentage; and
 15 WHEREAS, Coach O'Brien is only the third coach in
 16 junior college history to win three national
 17 championships; and
 18 WHEREAS, Coach O'Brien attributes his success as a
 19 junior college basketball coach to the pursuit of
 20 multiple goals which include building his players'
 21 skills and confidence to play at a higher level,
 22 motivating them to work very hard on and off the
 23 basketball court, specifically assisting them to
 24 succeed academically, recruiting new players each year
 25 to fill the everchanging junior college roster of
 26 players, and raising the funds and securing the
 27 support of fans necessary to make the men's basketball
 28 program at Southeastern Community College viable each
 29 year; NOW THEREFORE,
 30 BE IT RESOLVED BY THE SENATE, That the Senate

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1 congratulates Coach Joe O'Brien for his unrivaled
 2 success as the coach of the Southeastern Community
 3 College Men's Basketball Team these past eight years
 4 and thanks him for his dedication and for the honor
 5 and recognition he has brought to Southeastern
 6 Community College and to the State of Iowa; and
 7 BE IT FURTHER RESOLVED, That, upon adoption, an
 8 official copy of this resolution be prepared for
 9 presentation to Coach Joe O'Brien.

SENATE RESOLUTION 158: filed April 6, 2004; adopted by the Senate on April 6, 2004.

1 SENATE RESOLUTION 158
2 By: Brunkhorst, Rehberg, Houser, and Dotzler
3 A resolution recognizing and congratulating the
4 Wartburg College 2003 Men's and Women's
5 Cross-Country Teams and the Wartburg College
6 2003–2004 Wrestling Team.
7 WHEREAS, Iowans are proud and honored to recognize
8 the accomplishments of the Wartburg College 2003 Men's
9 and Women's Cross-Country Teams and the Wartburg
10 College 2003–2004 Wrestling Team; and
11 WHEREAS, the Wartburg Knights Men's and Women's
12 Cross-Country Teams competed in the NCAA Division III
13 cross-country meet on November 22, 2003, on the campus
14 of Hanover College in Indiana, tallied six All-
15 Americans, and claimed the individual championships in
16 both the men's and women's races for the first time in
17 NCAA Division III cross-country history; and
18 WHEREAS, Josh Moen, a junior, and the son of Greg
19 and Sue Moen of Fairbank, won the individual men's
20 title in the eight-kilometer race with a time of
21 twenty-four minutes and forty-three and four-tenths
22 seconds, completing the race almost thirty seconds
23 faster than the second-place finisher; and
24 WHEREAS, Missy Buttry, the defending national
25 Division III women's champion, a junior, and the
26 daughter of Don and Pam Buttry of Shenandoah, retained
27 her title in the six-kilometer race with a course-
28 record-shattering time of twenty minutes and two-
29 tenths of a second, finishing the race more than one
30 minute faster than the second-place finisher; and

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1 WHEREAS, Missy Buttry was named U.S.A. Track and
2 Field's Athlete of the Week after winning her first
3 career U.S. Open title in the women's six-kilometer
4 race on December 7, 2003, at the 2003 U.S.A. Track and
5 Field National Cross-Country Championships in
6 Greensboro, North Carolina; and
7 WHEREAS, Missy Buttry qualified for the World
8 Cross-Country Team after placing fourth in the four-
9 kilometer event at the United States Championships on
10 February 8, 2004, in Indianapolis, Indiana, and also
11 placed 60th at the International Association of
12 Athletics Federation World Cross-Country Championships
13 in Brussels, Belgium, on March 21, 2004, helping to
14 lead the U.S. Senior Women's Four-Kilometer Team to a
15 seventh place finish; and

16 WHEREAS, the defending champion, the 2003–2004
17 Wartburg Knights Wrestling Team, won its fourth team
18 title since 1996 and its second consecutive NCAA
19 Division III National Championship on March 6, 2004,
20 at the Five Flags Center in Dubuque, with a total of
21 156.5 points, overcoming the runner-up by 16 points;
22 and
23 WHEREAS, the Wartburg Knights Wrestling Team with
24 their “Fab Four” tied a national record by winning
25 four individual championships at the March 6, 2004,
26 meet, increasing the total number of individual
27 champions in the Wartburg wrestling program to 19, the
28 sixth best record in NCAA Division III wrestling
29 history, and ended the tourney with nine All-
30 Americans, increasing the program’s total to 109; and

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1 WHEREAS, Dustin Hinschberger, a sophomore, and the
2 son of Kurt and Terri Jo Hinschberger of Belle Plaine,
3 is the national Division III champion at 141 pounds;
4 and
5 WHEREAS, Bart Mehlert, a senior, and the son of
6 Larry and Deb Mehlert of La Porte City, is the
7 national Division III champion at 149 pounds; and
8 WHEREAS, Ryan Sturm, a junior, and the son of
9 Richard and Katherine Sturm of Armstrong, is the
10 national Division III champion at 184 pounds; and
11 WHEREAS, Akeem Carter, a sophomore, and the son of
12 Louis and Nancy Carter of Waterloo, is the national
13 Division III champion at 197 pounds; NOW THEREFORE,
14 BE IT RESOLVED BY THE SENATE, That the Senate
15 congratulates the 2003 Wartburg College Men’s and
16 Women’s Cross-Country Teams and their coach, Steve
17 Johnson, on their extraordinary performance and wishes
18 them continued success in all of their future
19 endeavors; and
20 BE IT FURTHER RESOLVED, That the Senate
21 congratulates the 2003–2004 Wartburg College Wrestling
22 Team and its coach, Jim Miller, on their superb
23 performance and wishes them continued success in all
24 of their future endeavors; and
25 BE IT FURTHER RESOLVED, That official copies of
26 this resolution be prepared by the Secretary of the
27 Senate and presented to the president of Wartburg
28 College, to each member of the Wartburg College Men’s
29 and Women’s Cross-Country Teams, to each member of the
30 Wartburg College Wrestling Team, and to their coaches.

SENATE RESOLUTION 159: filed April 6, 2004; adopted by the Senate on April 13, 2004.

1 SENATE RESOLUTION 159

2 By: Putney
3 A resolution honoring the town of Shellsburg and its
4 surrounding community on the town's sesquicentennial
5 anniversary.
6 WHEREAS, the town of Shellsburg was surveyed on
7 June 16, 1854, the third town to be surveyed in Benton
8 County, with the original plat containing 24 lots and
9 two streets, Main and Pearl; and
10 WHEREAS, the town was purportedly named for John
11 Sells, a pioneer of Canton Township, with the town
12 folks preferring the name Shellsburg, or alternatively
13 was named after Schellsburg, Pennsylvania, by another
14 early resident, Jacob Cantonwine; and
15 WHEREAS, the town of Shellsburg will celebrate the
16 sesquicentennial anniversary of its founding this
17 summer, having served during its first 150 years as
18 the center of commercial and social life for its town
19 population and thriving farming community, providing
20 essential police, fire, first response, utility,
21 educational, religious, recreational, commercial, and
22 government services; and
23 WHEREAS, Shellsburg and its surrounding community
24 boast several new housing developments; numerous
25 businesses, including a prosperous grocery store and a
26 grain elevator; a physician's office, health care
27 center, and heliport; and five churches in and around
28 the town; and
29 WHEREAS, one of the most recent and largest
30 community development projects completed in Shellsburg

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1 is the Wildcat Golf Course and Clubhouse which
2 includes an 18-hole golf course and a clubhouse
3 hosting evening buffets and wedding receptions for
4 area residents; and
5 WHEREAS, the Shellsburg school system is now part
6 of the Vinton-Shellsburg Community School District,
7 still housing in Shellsburg all of the district's
8 fifth graders as well as the kindergarten through
9 fourth-grade Shellsburg students in the Shellsburg
10 Elementary Building; and
11 WHEREAS, on July 16-18, 2004, Shellsburg will
12 celebrate its sesquicentennial anniversary with
13 musical entertainment; a parade and antique tractor
14 pull; bingo; beard, costume, and fire department water
15 ball contests; food concessions; a dance; and special

16 fireworks; NOW THEREFORE,
 17 BE IT RESOLVED BY THE SENATE, That the Senate
 18 recognizes and extends its congratulations to the town
 19 of Shellsburg and its surrounding community on the
 20 town's sesquicentennial anniversary year and for its
 21 150 years of service to its citizens and to the State
 22 of Iowa; and
 23 BE IT FURTHER RESOLVED, That an official copy of
 24 this resolution be prepared and presented to Mayor Tom
 25 Busenbark, Ms. Karolynn Roehr, and the citizens of
 26 Shellsburg and its surrounding community.

SENATE RESOLUTION 160: filed April 7, 2004; adopted by the
 Senate on April 7, 2004.

1 SENATE RESOLUTION 160
 2 By: Putney
 3 A resolution to honor the Meskwaki tribe members who
 4 served as Code Talkers in North Africa during World
 5 War II and to request that Congress and the President
 6 of the United States honor all Code Talkers who served
 7 in the United States armed forces.
 8 WHEREAS, the languages of several Native American
 9 tribes were developed for use as code during both
 10 World War I and World War II and members of at least
 11 18 tribes participated in the transmission of vital
 12 information regarding the location of enemy troops and
 13 numbers of enemy guns; and
 14 WHEREAS, this code was never broken and the Native
 15 American Code Talkers who transmitted the messages are
 16 credited with saving the lives of countless numbers of
 17 American soldiers; and
 18 WHEREAS, these Code Talkers worked under terrible
 19 conditions, taking extreme risks to provide the
 20 necessary military information for our military forces
 21 and sworn to secrecy in the event they were captured;
 22 and
 23 WHEREAS, eight members of the Meskwaki tribe from
 24 Tama County, including Frank Sanache, his brother
 25 Willard Sanache, Dewey Youngbear, Edward Benson, Judie
 26 Wayne Wabaunasee, Mike Wayne Wabaunasee, Dewey
 27 Roberts, and Melvin Twin, served as scouts and Code
 28 Talkers for eight companies of their division in North
 29 Africa during World War II; and
 30 WHEREAS, the only surviving member of those eight

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1 Meskwaki soldiers, Frank Sanache, endured terrible
 2 hardships both while stationed in North Africa and
 3 after being captured by the Germans and held prisoner

4 in a Polish internment camp; and
 5 WHEREAS, Congress passed legislation in 2000
 6 authorizing the issuance of Congressional Medals of
 7 Honor to recognize the service of the Navajo Code
 8 Talkers, which were presented by the President of the
 9 United States in July of 2001, but members of other
 10 tribes, such as Frank Sanache and the other Meskwaki
 11 Code Talkers, did not receive the same recognition;
 12 and
 13 WHEREAS, it is fitting and proper that the valiant
 14 efforts of all Native American Code Talkers be
 15 recognized and honored; NOW THEREFORE,
 16 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
 17 recognizes the bravery and dedicated service of the
 18 Meskwaki Code Talkers and expresses gratitude for the
 19 contribution these soldiers made to saving many
 20 American lives; and
 21 BE IT FURTHER RESOLVED, That the Iowa Senate
 22 requests and encourages Congress and the President of
 23 the United States to recognize the contributions,
 24 bravery, and dedicated service of all Code Talkers,
 25 including the eight soldiers from the Meskwaki tribe,
 26 in the same manner as the Navajo Code Talkers by
 27 awarding them the appropriate medals of honor; and
 28 BE IT FURTHER RESOLVED, That, upon adoption, copies
 29 of this resolution be sent to the Majority and
 30 Minority Leaders of the United States Senate, the

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1 Speaker, Majority Leader, and Minority Leader of the
 2 United States House of Representatives, to the members
 3 of the Iowa congressional delegation, and to the
 4 President of the United States; and
 5 BE IT FURTHER RESOLVED, That, upon adoption, copies
 6 of this Resolution be sent to Frank Sanache and to the
 7 families of the other Meskwaki tribe members who
 8 served as Code Talkers in World War II.

SENATE RESOLUTION 161: filed April 7, 2004; adopted by the
 Senate on April 14, 2004.

1 SENATE RESOLUTION 161
 2 By: Holveck
 3 A resolution recognizing the achievements of the
 4 Urbandale Senior League All Star Team in winning
 5 the Central Regional Championship of the 2003 Senior
 6 League Baseball World Series.
 7 WHEREAS, the Urbandale Senior League All Star Team
 8 won the regional championship after defeating state
 9 champions from Ohio, Indiana, Wisconsin, and Kentucky

10 by a combined score of 57-8, capped by a no-hitter
 11 game; and
 12 WHEREAS, the Urbandale Senior League All Star Team
 13 displayed a high degree of teamwork, discipline, and
 14 effort in achieving an overall record of 16 wins and 4
 15 losses during district, state, regional, and world
 16 series phases of the competition; and
 17 WHEREAS, the Urbandale Senior League All Star Team
 18 defeated the New Jersey state champions, a three-time
 19 Senior League Baseball World Series participant, and
 20 advanced to the Senior League World Series Final Four
 21 competition in Bangor, Maine; NOW THEREFORE,
 22 BE IT RESOLVED BY SENATE, That the Senate salutes
 23 the Urbandale Senior League All Star Team members and
 24 coaches for their achievements in the 2003 Senior
 25 League Baseball World Series; and
 26 BE IT FURTHER RESOLVED, That the Senate expresses
 27 appreciation to the team members for representing the
 28 best qualities of Iowa youth, especially their
 29 dedication and perseverance; and
 30 BE IT FURTHER RESOLVED, That an official copy of

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- 1 this resolution be prepared and presented to the
- 2 Urbandale Senior League All Star Team.

SENATE RESOLUTION 162: filed April 7, 2004; adopted by the Senate on April 14, 2004.

1 SENATE RESOLUTION 162
 2 By: Holveck
 3 A resolution recognizing the achievements of the
 4 Urbandale Junior League All Star Team in winning the
 5 Central Regional Championship of the 2003 Junior
 6 League Baseball World Series.
 7 WHEREAS, the Urbandale Junior League All Star Team
 8 was the Central Regional Champion of the 2003 Junior
 9 League Baseball World Series, defeating teams from
 10 Iowa and many other Midwest states en route to winning
 11 the championship; and
 12 WHEREAS, the Urbandale Junior League All Star Team
 13 brought distinction to this state by displaying a high
 14 degree of teamwork, discipline, and effort in
 15 achieving an overall record of 15 wins and 4 losses
 16 during the regulation and exhibition phases of the
 17 competition; and
 18 WHEREAS, the Urbandale Junior League All Star Team
 19 was the first team from the state of Iowa to advance
 20 to the Junior League Baseball World Series phase of
 21 the competition, placing the Iowa flag on championship

22 hill of the stadium along with the flags of other
 23 states and nations, and this achievement has earned
 24 the Iowa flag a permanent presence on championship
 25 hill of future Junior League Baseball World Series
 26 competitions; NOW THEREFORE,
 27 BE IT RESOLVED BY THE SENATE, That the Senate
 28 salutes the Urbandale Junior League All Star Team
 29 members and coaches for their achievements in the 2003
 30 Junior League Baseball World Series; and

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1 BE IT FURTHER RESOLVED, That the Senate expresses
 2 appreciation to the team for representing the best
 3 qualities of Iowans while competing with teams from
 4 other states and nations; and
 5 BE IT FURTHER RESOLVED, That an official copy of
 6 this resolution be prepared and presented to the
 7 Urbandale Junior League All Star Team.

SENATE RESOLUTION 163: filed April 8, 2004; adopted by the
 Senate on April 13, 2004.

1 SENATE RESOLUTION 163
 2 By: Warnstadt
 3 A resolution honoring the Sioux City West High School Dance
 4 Squad for its outstanding performance at the Marching
 5 Auxiliaries National Dance/Drill Team Competition.
 6 WHEREAS, the Sioux City West High School Dance
 7 Squad recently competed at the Marching Auxiliaries
 8 National Dance/Drill Team Competition in San Antonio,
 9 Texas; and
 10 WHEREAS, more than one hundred forty-six dance
 11 teams from Iowa, South Dakota, California, Washington,
 12 Utah, Texas, Kentucky, and Hawaii participated in the
 13 competition; and
 14 WHEREAS, the squad won six national championship
 15 titles, three runner-up titles, one third-place title,
 16 and one fourth-place title, placing in 11 of the 12
 17 routines it entered; and
 18 WHEREAS, the Dance Squad's Pink and Green Squads
 19 received Winner Circle awards for earning the top
 20 scores from all of the judges in three of the routines
 21 they entered; NOW THEREFORE,
 22 BE IT RESOLVED BY THE SENATE, That the Senate
 23 congratulates the Sioux City West High School Dance
 24 Squad for these significant achievements; and
 25 BE IT FURTHER RESOLVED, That the Senate recognizes
 26 the contributions of directors Julie DeGroot, Amy
 27 DeGroot-Hammer, Michaelle Sullivan, Jody Kennedy,
 28 Yasmin Williams, and Penni Hale in facilitating the
 29 squad's success.

SENATE RESOLUTION 164: filed April 12, 2004; amended and adopted by the Senate on April 13, 2004.

1 SENATE RESOLUTION 164
2 By: Iverson
3 A resolution requesting the commissioner of insurance
4 to submit an annual report to the legislative council
5 containing administrative and financial information
6 relating to insurance claims including
7 medical malpractice claims.
8 WHEREAS, rising insurance costs and the
9 affordability of insurance, including medical
10 malpractice insurance, has led to the need for an
11 examination of the factors impacting the insurance
12 market, including the medical malpractice insurance
13 market, in this state; and
14 WHEREAS, the commissioner of insurance is the chief
15 executive officer of the insurance division within the
16 department of commerce charged with regulating,
17 supervising, and directing the conduct of the business
18 of insurance in this state; NOW THEREFORE,
19 BE IT RESOLVED BY THE SENATE, That the commissioner
20 of insurance is requested to collect information from
21 every insurer providing insurance coverage in this
22 state, including every insurer providing medical
23 malpractice insurance coverage in this state, relating
24 to, but not limited to, rate filings including
25 ratemaking methodology, loss trends and ratios
26 including loss development and loss adjustment
27 expenses, investment earnings and losses, the
28 frequency of claims, the availability of carriers in
29 the insurance marketplace, including carriers in the
30 medical malpractice insurance marketplace, and any

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1 other relevant information affecting the availability
2 and affordability of insurance, including medical
3 malpractice insurance, as deemed appropriate by the
4 commissioner; and
5 BE IT FURTHER RESOLVED, That the commissioner of
6 insurance is requested to prepare an annual report of
7 the foregoing information and to submit such report to
8 the legislative council by December 30 of each year,
9 beginning in 2004.

SENATE RESOLUTION 165: filed April 12, 2004; adopted by the Senate on April 15, 2004.

1 SENATE RESOLUTION 165
2 By: Houser
3 A resolution recognizing the retirement of Dr. William
4 Campbell and his many accomplishments on behalf of
5 Iowans with disabilities.
6 WHEREAS, Dr. Campbell has served the people of Iowa
7 as a dedicated state employee for more than 52 years;
8 and
9 WHEREAS, Dr. Campbell has served as Superintendent
10 of Glenwood State Resource Center for 35 years, the
11 longest tenure in the institution's 128-year history;
12 and
13 WHEREAS, Dr. Campbell provided strong leadership in
14 shifting the focus for services for persons with
15 developmental disabilities from an institutional
16 asylum-style approach to one emphasizing quality of
17 life, habilitation, and personal dignity, based in
18 small, homelike cottage settings; and
19 WHEREAS, Dr. Campbell's visionary leadership was
20 particularly notable in convincing the Governor,
21 General Assembly, and counties to support the
22 conversion of the two state resource centers to
23 intermediate care facilities for persons with mental
24 retardation, allowing a new source of funding to be
25 used for the other changes made at the centers; and
26 WHEREAS, Dr. Campbell led through example, building
27 partnerships and expanding the community role of the
28 campus by involving a multitude of public and private
29 organizations so that the whole of the Glenwood campus
30 is much stronger than the individual parts; and

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1 WHEREAS, Dr. Campbell is noted for his passion,
2 dedication, compassion, and perseverance on behalf of
3 the Glenwood residents, Glenwood staff, and Glenwood
4 partners; NOW THEREFORE,
5 BE IT RESOLVED BY THE SENATE, That the Senate
6 recognizes Dr. William Campbell upon his retirement
7 for his many years of service on behalf of the people
8 of Iowa; and
9 BE IT FURTHER RESOLVED, That the Senate expresses
10 appreciation to Dr. Campbell for his passionate
11 efforts on behalf of persons with disabilities and
12 extends best wishes to him in all of his future
13 endeavors; and
14 BE IT FURTHER RESOLVED, That an official copy of
15 this resolution shall be provided to Dr. William
16 Campbell.

SENATE RESOLUTION 166: filed April 12, 2004; adopted by the Senate on April 14, 2004.

SENATE RESOLUTION 166

1 By: Redfern
2 A resolution honoring the founding and growth of the
3 American Mock Trial Association.
4 WHEREAS, in 1982, Richard Calkins, then dean of
5 Drake University Law School, Gene Reifsnider, and Dan
6 Stamatelos began to explore the idea of bringing the
7 experience of mock trial competition to Iowa high
8 school students; and
9 WHEREAS, in 1983, the Iowa Supreme Court, Drake Law
10 School, and the Young Lawyers Division of the Iowa Bar
11 Association joined together to create Iowa's first
12 high school mock trial tournament, judged by volunteer
13 lawyers from around the state; and
14 WHEREAS, in 1985, this tournament had grown to
15 include both high school and middle school teams with
16 regional competitions culminating in a state
17 championship tournament; and
18 WHEREAS, in 1985, Mr. Calkins, Mr. Reifsnider, and
19 Mr. Stamatelos founded the American Mock Trial
20 Association and the first national intercollegiate
21 mock trial tournament was held in that same year; and
22 WHEREAS, Mr. Calkins has served as president of
23 that organization since its founding and will become
24 president-emeritus in 2004; and
25 WHEREAS, in the 20 years since its founding, the
26 American Mock Trial Association has seen explosive
27 growth in new programs and team participation, with
28 267 colleges and universities fielding 507 teams for
29 the 2003-2004 academic year, with almost 60 events

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1 sanctioned each season and a national championship
2 tournament held in Des Moines; and
3 WHEREAS, the lawyers, court system, and law schools
4 and universities of Iowa combine their resources and
5 efforts in ongoing support for the association and the
6 tournament; and
7 WHEREAS, the American Mock Trial Association now
8 hosts the largest nonathletic tournament event in the
9 United States; NOW THEREFORE,
10 BE IT RESOLVED BY THE SENATE, That the Senate
11 honors the ongoing role of the American Mock Trial
12 Association; first, in offering the experience of mock
13 trial practice to undergraduate students; and second,
14 for the service the association provides to the legal
15 profession by fostering in America's students an

16 interest in advocacy and the law; and
 17 BE IT FURTHER RESOLVED, That the Senate, on behalf
 18 of all Iowans, reaffirms the state's commitment to
 19 support the association and foster its future growth.

SENATE RESOLUTION 167: filed April 12, 2004; adopted by the
 Senate on April 14, 2004.

1 SENATE RESOLUTION 167
 2 By: Angelo
 3 A resolution honoring the town of Afton on its
 4 sesquicentennial anniversary year.
 5 WHEREAS, the town of Afton was platted in 1854 with
 6 a center block-square park on land owned by E. A.
 7 Temple of Chariton, and every alternate lot was
 8 donated to the county to be sold and the proceeds
 9 spent for the erection of public buildings; and
 10 WHEREAS, Mrs. Temple named the town either from the
 11 song "Flow Gently, Sweet Afton" or for the River Afton
 12 in Scotland; and
 13 WHEREAS, church services held in a private home in
 14 1855 heralded the beginning of the Methodist Church in
 15 Afton, and on July 4, 1855, a flagpole was raised and
 16 a flag made by the town's ladies flew proudly; and
 17 WHEREAS, Afton was the county seat for Union County
 18 from 1855 until 1890; and
 19 WHEREAS, the first house in Afton, built in 1855 by
 20 David Fife, was constructed of logs and used both as a
 21 dwelling and a store, stocked with goods brought by
 22 wagon from St. Joseph, Missouri; a two-story log hotel
 23 was built the same year, followed by a post office in
 24 1856 and the first courthouse in 1857; and
 25 WHEREAS, in the summer of 1859, The Afton Eagle
 26 became Union County's first newspaper, followed in
 27 1871 by a second newspaper, The Afton News, which was
 28 the forerunner of the current Afton Star-Enterprise;
 29 and
 30 WHEREAS, in 1867, D. J. Spencer established a

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1 brickyard west of town that was in operation for 50
 2 years and produced the bricks for many of the
 3 buildings in Afton and nearby Creston, including the
 4 "new" courthouse built in 1872 on Afton's town square;
 5 and
 6 WHEREAS, the railroad known as the Burlington and
 7 Missouri River Road, now the Burlington Northern,
 8 arrived in 1868; and
 9 WHEREAS, in 1954, the Afton Centennial Celebration,
 10 held in conjunction with the Union County Fair, was

11 attended by an estimated 15,000 people and featured
 12 Governor William S. Beardsley as the evening speaker,
 13 as well as a large parade, a beef barbeque, local
 14 ladies in long skirts, a whisker competition for the
 15 local men, window displays, a period clothing style
 16 show, and a local talent show, with fireworks closing
 17 out the day; and

18 WHEREAS, the town of Afton is located in Union
 19 County, near highways 34 and 69, and in close
 20 proximity to Three Mile Lake which, with its 24 miles
 21 of shoreline, provides not only water and wildlife
 22 recreation, but flood control and a source of water
 23 for surrounding communities; and

24 WHEREAS, today Afton has a population of 917, with
 25 402 households, and boasts four churches, several
 26 social and service organizations, a golf club,
 27 thriving local businesses, and a very efficient
 28 volunteer fire and rescue unit; and

29 WHEREAS, Afton is celebrating its 150th anniversary
 30 on June 26, 2004, in conjunction with the annual

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1 Lion's Pre-Fourth Celebration on June 27, and all
 2 former and current residents and friends are invited
 3 to attend and celebrate their heritage; NOW THEREFORE,
 4 BE IT RESOLVED BY THE SENATE, That the Senate
 5 recognizes and extends its congratulations to the town
 6 of Afton on the town's sesquicentennial anniversary
 7 and for its 150 years of service to its citizens and
 8 to the State of Iowa.

SENATE RESOLUTION 168: filed April 13, 2004; adopted by the
 Senate on April 14, 2004.

1 SENATE RESOLUTION 168

2 By: Johnson

3 A resolution recognizing the year 2004 as a significant
 4 anniversary in the efforts to address polio and encouraging
 5 the continuation of the efforts so that polio can be
 6 successfully eradicated throughout the world.
 7 WHEREAS, 2004 marks the 50th anniversary of the
 8 successful nationwide trial of the injectable polio
 9 vaccine; and

10 WHEREAS, 2004 marks the 130th anniversary of the
 11 diagnosis of the first case of postpolio sequelae in
 12 which often disabling symptoms occur 35 years after
 13 the initial attack of the polio virus, including
 14 overwhelming fatigue, muscle weakness, muscle and
 15 joint pain, sleep disorders, cold pain, and difficulty
 16 swallowing and breathing; and

17 WHEREAS, while the polio vaccines have eliminated
18 naturally occurring polio cases in the United States,
19 more than 40 percent of children in the United States
20 do not receive all doses of the vaccine, polio has not
21 been eliminated in other parts of the world, and
22 nearly 1.6 million polio survivors live in the United
23 States who are susceptible to postpolio sequelae; NOW
24 THEREFORE,

25 BE IT RESOLVED BY THE SENATE, That 2004 is
26 recognized as the 50th anniversary of the injectable
27 polio vaccine that virtually eradicated naturally
28 occurring polio in the United States; and

29 BE IT FURTHER RESOLVED, That the Senate encourages
30 health care providers and health educators to continue

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1 their efforts to educate health professionals and the
2 public concerning polio and to vaccinate children, so
3 that eradication of this disease in the United States
4 will continue to be the case and so that eradication
5 of the disease will become a reality in other parts of
6 the world.

SENATE RESOLUTION 169: filed April 13, 2004; adopted by the
Senate on April 14, 2004.

1 SENATE RESOLUTION 169

2 By: Johnson

3 A resolution honoring the city of Hartley on its
4 quasiquicentennial anniversary year.

5 WHEREAS, the city of Hartley will proudly celebrate
6 its 125th anniversary this year; and

7 WHEREAS, the city of Hartley, located in O'Brien
8 County in northwest Iowa, is truly the "city with a
9 heart" and home to former State Representative Ingwer
10 Hansen who served in the Iowa House of Representatives
11 from 1973 to 1982; and

12 WHEREAS, the Hartley-Melvin-Sanborn school district
13 is second to none with an excellent student-to-teacher
14 ratio and a variety of extracurricular activities; and

15 WHEREAS, the city of Hartley proudly owns and
16 operates its own electric, gas, and water utilities,
17 and its own telecommunications system including high-
18 speed internet, cable television, and telephone
19 services and offers some of the lowest utility rates
20 in the state of Iowa; and

21 WHEREAS, a celebration of the quasiquicentennial
22 anniversary will be held August 6 and 7, 2004, and
23 will include a street dance featuring the band "The
24 Rumbles", a parade, fireworks, cemetery walk, and the

25 city's first all-school reunion; NOW THEREFORE,
 26 BE IT RESOLVED BY THE SENATE, That the Senate
 27 recognizes and extends its congratulations to the city
 28 of Hartley on the city's quasiquicentennial year and
 29 for its 125 years of service to its citizens and to
 30 the State of Iowa.

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1 BE IT FURTHER RESOLVED, That upon adoption, the
 2 Secretary of the Senate shall prepare an official copy
 3 of this resolution for presentation to the city of
 4 Hartley.

SENATE RESOLUTION 170: filed April 13, 2004; adopted by the
 Senate on April 14, 2004.

1 SENATE RESOLUTION 170
 2 By: Redfern
 3 A resolution honoring Richard M. Calkins.
 4 WHEREAS, in 1959 Richard M. Calkins was admitted to
 5 the bar in Illinois, having been graduated from
 6 Dartmouth College and the Northwestern University
 7 School of Law; and
 8 WHEREAS, following graduation Mr. Calkins
 9 established a successful trial practice in Illinois;
 10 and
 11 WHEREAS, Mr. Calkins traveled to Iowa and in 1980
 12 became dean of the Drake University School of Law,
 13 holding that position for the next eight years, and
 14 since that time established a private law practice in
 15 Iowa; and
 16 WHEREAS, following his academic career, Mr. Calkins
 17 has continued to make Iowa his home and has since
 18 worked tirelessly to invigorate and advance the
 19 profession of law in this state; and
 20 WHEREAS, Mr. Calkins helped found the American Mock
 21 Trial Association and has served as president of that
 22 organization since its founding and will become
 23 president-emeritus in 2004; and
 24 WHEREAS, Mr. Calkins is a true pioneer in the area
 25 of dispute resolution, becoming a driving force
 26 behinds its development in this state, and continuing
 27 to explore and perfect alternatives to litigation; NOW
 28 THEREFORE,
 29 BE IT RESOLVED BY THE SENATE, That the Senate
 30 honors Richard M. Calkins for over two decades of

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1 service, dedication, and innovation in the practice of
 2 law and for his ongoing service to the people of Iowa.

SENATE RESOLUTION 171: filed April 13, 2004; adopted by the Senate on April 15, 2004.

1 SENATE RESOLUTION 171
2 By: Gaskill and Ragan
3 A resolution to recognize the soldiers of the 1133rd
4 Transportation Company of the Iowa National Guard for
5 their service and sacrifice in the Iraq conflict.
6 WHEREAS, the soldiers of the 1133rd Transportation
7 Company of the Iowa National Guard have completed one
8 year of service in Iraq; and
9 WHEREAS, that service has been filled with danger,
10 sacrifice, and hard work; and
11 WHEREAS, the families of the soldiers have shared
12 in that sacrifice; and
13 WHEREAS, the soldiers and their families embody
14 that spirit and dedication which have supported the
15 Iowa militia and later the Iowa National Guard since
16 the American civil war; NOW THEREFORE,
17 BE IT RESOLVED BY THE SENATE, That the Senate, on
18 behalf of all Iowans, extends its gratitude to the
19 soldiers of the 1133rd Transportation Company of the
20 Iowa National Guard for their dedication and
21 outstanding performance of duty, and to the families
22 of those soldiers, whose sacrifice and support has
23 been unwavering during the Iraq conflict.

SENATE RESOLUTION 172: filed April 13, 2004; adopted by the Senate on April 15, 2004.

1 SENATE RESOLUTION 172
2 By: Warnstadt
3 A resolution honoring the Sioux City North High School
4 Jazz Band for receiving first place in the Class 4A
5 High School Jazz Band Championship.
6 WHEREAS, the Sioux City North High School Jazz Band
7 is composed of dedicated high school students who have
8 contributed their time and musical talents in
9 developing a rich musical tradition at Sioux City
10 North High School; and
11 WHEREAS, the Sioux City North High School Jazz Band
12 has participated in many state and regional jazz
13 festivals and competitions resulting in the receipt of
14 many individual and group awards and honors; and
15 WHEREAS, the Iowa Jazz Band Championship is
16 recognized nationally as the nation's largest one-day
17 high school jazz band competition in which bands
18 qualify or are invited to participate based upon
19 exceptionally high-quality performances; and
20 WHEREAS, the Iowa Jazz Championship is judged by

21 college and professional music educators from all over
 22 the country; and
 23 WHEREAS, the Sioux City North High School Jazz Band
 24 has placed either first or second in the Iowa State
 25 Jazz Band Championship every year for 17 consecutive
 26 years; and
 27 WHEREAS, on April 6, 2004, the Sioux City North
 28 High School Jazz Band placed first in the Class 4A
 29 High School Jazz Band Championship held in Des Moines,
 30 culminating in the school's tenth 4A State Jazz Band

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1 Championship; NOW THEREFORE,
 2 BE IT RESOLVED BY THE SENATE, That the Senate
 3 extends its congratulations to the Sioux City North
 4 High School Jazz Band for its first place finish in a
 5 field of exceptional high school jazz bands at the
 6 2004 High School Jazz Band Championship; and
 7 BE IT FURTHER RESOLVED, That, upon adoption, the
 8 Secretary of the Senate shall prepare an official copy
 9 of this resolution for presentation to Mr. Larry
 10 Kisor, Director, and members of the Sioux City North
 11 High School Jazz Band.

SENATE RESOLUTION 175: filed April 15, 2004; adopted by the
 Senate on April 15, 2004.

1 SENATE RESOLUTION 175
 2 By: Houser, Schuerer, and Beall
 3 A resolution requesting the establishment of an interim
 4 study committee to examine issues relating to
 5 renewable energy.
 6 WHEREAS, Iowa has an abundant amount of corn, wind,
 7 and other renewable energy resources; and
 8 WHEREAS, the need to explore renewable energy
 9 options is of paramount importance particularly in
 10 light of current high fuel prices; NOW THEREFORE,
 11 BE IT RESOLVED BY THE SENATE, That the legislative
 12 council is requested to establish a study committee to
 13 meet during the 2004 legislative interim to consider
 14 options for using renewable energy for economic
 15 development.
 16 BE IT FURTHER RESOLVED, That the interim study
 17 committee should divide into subcommittees to focus on
 18 electricity generation, co-generation, and use of
 19 ethanol and alternative fuels and should include the
 20 following members:
 21 1. Ten members of the general assembly.
 22 2. A representative of the Iowa energy center.
 23 3. A representative of the Iowa utility board.

- 24 4. A representative of the department of natural
25 resources.
26 5. Two representatives of investor-owned
27 utilities.
28 6. A representative of a municipal utility.
29 7. A representative of the Iowa agribusiness
30 association.

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- 1 8. A representative of the Iowa farm bureau.
2 9. A representative of a joint action agency
3 organized under Code chapter 28E representing
4 communities in this state that receive
5 hydroelectricity from the Missouri River or the
6 Mississippi River and is involved in wholesale
7 electric generation.
8 10. A representative of the alliance of automobile
9 manufacturers.
10 11. A representative of an investor-owned ethanol
11 fuel plant.
12 12. A representative of a farmer-owned cooperative
13 ethanol fuel plant.
14 13. A representative of the petroleum marketers of
15 Iowa.
16 14. A representative of the Iowa league of cities.
17 15. A representative of the Iowa state association
18 of counties.
19 16. A private energy consultant.
20 17. A representative of the Iowa association of
21 school boards.
22 18. A representative of the department of economic
23 development.
24 19. A representative of the Iowa soybean
25 association.
26 20. A representative of a rural electric
27 cooperative.

SENATE RESOLUTION 177: filed April 19, 2004; adopted by the Senate on April 19, 2004.

- 1 SENATE RESOLUTION 177
2 By: Gronstal
3 A resolution honoring the Iowa National Guard's 132nd
4 Fighter Wing school-to-work internship program with
5 Des Moines Central Campus's Aviation Technology
6 program.
7 WHEREAS, the Iowa National Guard's 132nd Fighter
8 Wing school-to-work internship program with Des Moines
9 Central Campus's Aviation Technology program began six
10 years ago with the help of now Brigadier General Joe

11 Lucas and Lieutenant Colonel Joe Robinson, as well as
 12 with Central Campus Director Dr. Gary McClanahan and
 13 Aviation Department Chair Jerry Bradley; and
 14 WHEREAS, the student qualifications for the
 15 internship program include senior status and two years
 16 in the aviation program at Central Campus, passing a
 17 general aviation exam, attendance of 97 percent or
 18 better, a minimum of 2.5 cumulative GPA, and an
 19 interview with guard personnel; and
 20 WHEREAS, the program involved eight students in its
 21 first year and now has grown to 16 students
 22 participating each year; and
 23 WHEREAS, the participating students this year
 24 include Tim Allie, John C. Baker, Tyler C. Bartels,
 25 Kevin J. Beckley, Joseph E. Chandler, James E. Doro,
 26 Dustin L. Holmes, Matthew J. Howe, Jeremiah D.
 27 Lindstrom, Kiel Middleswart, Daniel Murphy, Adam J.
 28 Nelson, Melinda Sicanica, Joe Stickel, Mike
 29 Stockbauer, and Stephen C. Waltz; and
 30 WHEREAS, the participating Aviation Technology

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1 students attend the program for 15 weeks during the
 2 spring semester of their senior year, and during this
 3 time work with guard personnel in all departments
 4 representing the 132nd Fighter Wing, including the
 5 engine shop, avionics, weapons, operations,
 6 fabrication, and fire and rescue; and
 7 WHEREAS, students are provided with necessary
 8 equipment, including special jumpsuits, jackets, and
 9 boots, and have the opportunity for training with
 10 actual F-16 aircraft and are the only high school
 11 students in the nation who are afforded this
 12 opportunity; and
 13 WHEREAS, many internship program students have gone
 14 on to successful careers in the military services, the
 15 reserves, and the guard, and have received entry
 16 promotions to higher ranks because of the internship
 17 program training received; NOW THEREFORE,
 18 BE IT RESOLVED BY THE SENATE, That the Senate
 19 congratulates the Iowa National Guard's 132nd Fighter
 20 Wing school-to-work internship program and Des Moines
 21 Central Campus's Aviation Technology program, thanking
 22 the men and women of the 132nd Fighter Wing who take
 23 ownership in the training of these young individuals,
 24 and through their mentorship, guidance, teaching,
 25 patience, and mastery, play an integral part in
 26 allowing these students to achieve not only in the

27 aviation internship program but also in life; and
28 BE IT FURTHER RESOLVED, That, upon adoption, an
29 official copy of this resolution be prepared for
30 presentation to the Iowa National Guard's 132nd

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1 Fighter Wing school-to-work internship program
2 represented by Lieutenant Colonel Dyann Edwards,
3 Colonel Greg Schwab, Colonel Steve Van Every, and
4 Technical Sergeant Rob Maroc, as well as to Dr. Eric
5 Witherspoon, Linda Lane, and Tom Drake, Administrators
6 of Des Moines Public Schools; Dr. Gary McClanahan,
7 Director of Central Campus; Erin Stoen, CTI
8 Coordinator; Ric Graves, Instructor, and Jerry
9 Bradley, Aviation Department Chair.

SENATE RESOLUTION 178: filed April 19, 2004; adopted by the
Senate on April 20, 2004.

1 SENATE RESOLUTION 178
2 By: Zieman
3 A resolution requesting the general assembly to pass
4 legislation requiring background checks for carnival
5 employees.
6 WHEREAS, on July 8, 2001, Angela Hyke and her
7 daughter Ashley Lucas disappeared from their home in
8 Cresco, Iowa; and
9 WHEREAS, an investigation by law enforcement
10 officials led to the conclusion that the individual
11 responsible for the disappearance of Angela and Ashley
12 was Clay Thomas, an individual employed as a traveling
13 carnival worker who met Angela Hyke while working at
14 the Howard County Fair in June of 2001; and
15 WHEREAS, a law enforcement background check of Clay
16 Thomas indicated he had an extensive criminal history
17 background including but not limited to convictions
18 for theft, drug possession, and escape from custody,
19 as well as parole violations; and
20 WHEREAS, Clay Thomas was subsequently arrested and
21 convicted for the double murder of Angela and Ashley;
22 and
23 WHEREAS, Iowa does not currently have a law
24 requiring that carnival employees undergo background
25 checks; NOW THEREFORE,
26 BE IT RESOLVED BY THE SENATE, That the Senate
27 requests that the General Assembly consider and pass
28 legislation as soon as practicable requiring that all
29 persons employed as carnival workers in this state
30 pass a criminal history background check as a

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1 condition of employment at a local county fair or
 2 other place or activity where carnival workers are
 3 employed, and that such legislation be referred to as
 4 the Angela and Ashley Act.

SENATE RESOLUTION 179: filed April 19, 2004; adopted by the Senate on April 20, 2004.

1 SENATE RESOLUTION 179
 2 By: McKibben
 3 A resolution designating May 2004 as Huntington's
 4 Disease Awareness Month.
 5 WHEREAS, our nation has had a long-standing
 6 commitment to the development of techniques and
 7 methods of conquering disease; and
 8 WHEREAS, Huntington's Disease is a devastating,
 9 degenerative brain disorder which afflicts many
 10 citizens of this country in a relentless and, at
 11 present, incurable way; and
 12 WHEREAS, the existence of this dreaded disease
 13 presents a challenge to the love and humanitarianism
 14 of the American people; and
 15 WHEREAS, since the discovery of the genetic basis
 16 for the disease in 1993, the pace of research into the
 17 cause and nature of the disease has increased
 18 dramatically; and
 19 WHEREAS, the Huntington's Disease Society of
 20 America, Inc. has supported this research, bringing
 21 new hope to those who bear the burden of this tragic
 22 affliction; NOW THEREFORE,
 23 BE IT RESOLVED BY THE SENATE, That the Senate
 24 designates the month of May as Huntington's Disease
 25 Awareness Month in Iowa, and urges the citizens of
 26 this state to lend their support to efforts to control
 27 this disease so that the suffering it induces may be
 28 eliminated.

SENATE RESOLUTION 180: filed April 19, 2004; adopted by the Senate on April 20, 2004.

1 SENATE RESOLUTION 180
 2 By: Tinsman
 3 A resolution requesting the Senate leadership to
 4 establish a blue ribbon elder services planning group
 5 to develop a plan for unifying the state administration
 6 of services utilized by elderly Iowans who are age
 7 sixty or older.
 8 WHEREAS, Iowa's services for persons who are

9 elderly provide an important element in the community
10 life of the state; and

11 WHEREAS, Iowa's services for these populations,
12 while of high quality, are amenable to improvement
13 through consideration of the state's role in
14 administering the services; NOW THEREFORE,

15 BE IT RESOLVED BY THE SENATE, That the Senate
16 leadership is requested to establish a blue ribbon
17 elder services planning group to develop a plan for
18 unifying the state administration of services utilized
19 by elderly Iowans who are age sixty or older and the
20 plan should address options for implementing the
21 unification through legislation, funding changes, or
22 other appropriate means and shall address the services
23 paid for or provided to elderly Iowans by the
24 departments of elder affairs, human services, and
25 public health; and

26 BE IT FURTHER RESOLVED, That the departments that
27 are the focus of the planning process are requested to
28 provide staffing services for the planning group and
29 the plan should be submitted to the Senate when it is
30 completed; and

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1 BE IT FURTHER RESOLVED, That the unification plan
2 should be designed to achieve the following goals:

- 3 1. Provide for a more effective delivery of
- 4 services to persons who are elderly.
- 5 2. Create financial efficiencies.
- 6 3. Create more accountability; and

7 BE IT FURTHER RESOLVED, That the appointments
8 necessary for the planning group be made by the Senate
9 Majority Leader in consultation with the Senate
10 Minority Leader and that the membership of the
11 planning group should include the following:

- 12 1. The directors of the three departments or the
- 13 directors' designees.
- 14 2. A director of an area agency on aging.
- 15 3. A representative of the governor.
- 16 4. A representative of the banking industry in
- 17 this state who has significant experience with
- 18 reorganization or restructuring of agencies.
- 19 5. The chief executive officer of a united way
- 20 organization located in Iowa.
- 21 6. The president of an Iowa resource center for
- 22 nonprofit organizations.
- 23 7. The president of the university of northern
- 24 Iowa.
- 25 8. The chairman of the board of the largest
- 26 private employer in the state.
- 27 9. An individual retired as president of the

28 state's largest private health insurer who has served
29 as mayor of Iowa's largest city.
30 10. The head of the AARP Iowa chapter.

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1 11. The chief executive officer of an Iowa-based
2 financial services company ranked by Fortune Magazine
3 as sixth among life and health companies.
4 12. Two members of the senate.

MEMORIALS

IN MEMORIAM

Senators

| | |
|--------------------------|------------------------------------|
| Forrest F. Ashcraft..... | July 13, 1922 – February 19, 2004 |
| Irvin L. Bergman | January 5, 1911 – April 23, 2003 |
| Wilson L. Davis | August 5, 1917 – December 18, 2003 |
| Eugene M. Hill | October 24, 1913 – July 14, 2003 |

FORREST F. ASHCRAFT

Forrest F. Ashcraft was born on July 13, 1922, in Davenport, Iowa, to Forrest F., Sr., and Lillie Osborn Ashcraft. He passed away on February 19, 2004, at the age of eighty-one.

Ashcraft graduated from Davenport High School in 1941. He continued his education at the F.B.I. National Academy in Washington, D.C., the University of Iowa, the University of Illinois, the University of Maryland, St. Ambrose College, and Western Illinois University. Ashcraft was married to Betty Jean Haver.

Ashcraft served his country in the U.S. Army Air Corps during World War II from 1943 to 1945. Ashcraft was appointed to the Davenport Police Department in 1948 and served as the acting chief for the first six months of the year 1976.

Ashcraft was active in his community. He was a member of the Elks, Moose, American Legion, F.B.I. National Academy Association, the Iowa Association of Chiefs of Police and Peace Officers, Inc., International Association of Chiefs of Police, and served as the former president of the Iowa State Policeman Association. Ashcraft was a member of St. John's Methodist Church.

Forrest F. Ashcraft was a Scott County Republican. He served two years in the Senate from 1977 to 1978 during the 67th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Forrest F. Ashcraft, the State has lost an honored citizen and faithful and useful public servant, and that the Senate by this resolution expresses its appreciation of his service to the State and tenders its sympathy and kindest regards to the members of his family.

BE IT FURTHER RESOLVED: That a copy of this resolution be spread upon the Journal of the Senate and that the Secretary of the Senate be instructed to forward an enrolled copy to the family of the deceased.

MAGGIE TINSMAN
JOE M. SENG
BYRAN J. SIEVERS
Committee

IRVIN L. BERGMAN

Irvin L. Bergman was born on January 5, 1911, in Harris, Iowa, to John and Tena Bergman. He passed away on April 23, 2003, at the age of ninety-two.

Bergman graduated from Harris High School in 1929 and was united in marriage with Vera Donnenwerth in 1933. Bergman owned and operated a 570-acre farm called Bergman Farms.

Bergman was active in his community. He was a member of St. John's Lutheran Church, the Osceola County Farm Bureau, and the Osceola County Fair Board. Bergman served on the Harris Community School Board from 1940 to 1957, the Osceola County School Board from 1957 to 1965, and the Harris Town Council for ten years. He helped to organize and served as president, secretary, and treasurer of the Harris Community Club. Bergman was also the director of the Farmers Mutual Insurance Association of Osceola County.

Irvin L. Bergman was an Osceola County Republican. He served three terms in the House from 1967 to 1972 during the 62nd, 63rd, and 64th General Assemblies and served two terms in the Senate from 1973 to 1980 during the 65th, 66th, 67th, 67th Extraordinary, and 68th General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Irvin L. Bergman, 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.

JEFF ANGELO
DOUG SHULL
KEITH A. KREIMAN
Committee

WILSON L. DAVIS

Wilson L. Davis was born on August 5, 1917, in Goodrich, North Dakota, to James Ellsworth and Helen Wilson Davis. He passed away on December 18, 2003, at the age of eighty-six. He was predeceased by his wife Enid Dygert Davis and is survived by four children, Pat (Davis) Raney, Dr. Wilson L. Davis, Jr., Barbara Davis, and James Davis, along with seven grandchildren and three great-grandchildren.

Davis grew up in Bismarck, North Dakota, and attended Bismarck High School. He attended the University of Minnesota and served as the president of the junior class. Davis graduated in 1939 with a dual degree in business and engineering. At the University of Minnesota, Davis met his wife Enid Dygert and was married on October 17, 1942.

During World War II, Davis worked as a technical advisor for the Honeywell Corporation. He worked on strategic initiatives such as submarine detection systems and newly developed technologies for aviation, including the automatic pilot and radar bombing systems. Davis worked for two years in the South Pacific, on engineering assignments with the Navy at Pearl Harbor, and with the Air Force at Saipan.

After the war in 1948, Davis and his wife moved to Keokuk, Iowa, to raise their family. Davis owned and operated a multistate plumbing, HVAC, and electrical contracting firm called Seither & Cherry Company. In 1969, Wilson received the American Society of Heating, Air Conditioning, and Refrigeration Engineers ALCO Award for Distinguished Public Service. He founded the Davis Development Corporation and built a cattle ranching operation in Sheridan County, North Dakota, before retiring in Naples, Florida, in the mid-1980s.

Davis was active in his community. He was a member and past president of the Junior Chamber of Commerce and also a Paul Harris Fellow with the Rotary Club. Davis chaired the Urban Renewal Commission during the 1960s and is credited for much of the new development that occurred in Keokuk during that time frame. Davis received the Silver Beaver Award as a member of the Boy Scout Council, and he also coached hockey. Davis served as an elder and deacon of the Westminster Presbyterian Church.

Wilson L. Davis was a Lee County Republican. He was elected to the Senate in 1969 in a special election during the 63rd General Assembly and was reelected in 1970, serving until 1972 during the 64th General Assembly.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Wilson L. Davis, 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.

GENE FRAISE
THOMAS G. COURTNEY
DAVID MILLER
Committee

EUGENE M. HILL

Eugene M. Hill was born on October 24, 1913, in Jasper County, Iowa, to George R. and Minnie Rees Hill. He passed away on July 14, 2003, at the age of eighty-nine. He is survived by his wife, Ruth H.; his three sons, David E. Hill of Davenport, Iowa, Robert A. Hill of Tabor, South Dakota, and John C. Hill of San Francisco, California; his two daughters, Patricia R. Hill of Middletown, Connecticut, and Kathleen M. Andreae of Wellington, New Zealand; and three grandchildren.

Hill graduated from Newton High School in 1931 and graduated from Iowa State University in 1937. He attended graduate school at the University of Illinois in 1941. Hill was united in marriage with Ruth H. Ryburn on November 28, 1946, in Heyworth, Illinois.

Hill served his country in World War II in the U.S. Marine Corps 4th Tank Battalion. He participated in the battles of Roi Namur, Saipan, Tinian, and Iwo Jima. Hill was decorated with a Letter of Commendation with Ribbon from the Secretary of the Navy, 1945; the Presidential Unit Citation, Saipan, 1944; and the Navy Unit Commendation, Iwo Jima, 1945. Eugene retired from the U.S. Marine Corps as a major.

From 1938 to 1940, Hill worked as a U.S.D.A. Farm Security Administration supervisor. Hill worked as an instructor of vocational agriculture at Strawberry Point High School from 1941 to 1942, and at College Springs and Coin High Schools from 1946 to 1949. Hill was owner and operator of a 200-acre farm in Newton beginning in 1950.

Hill was active in his community. He was a member and ordained elder of the United Presbyterian Church. He was also a member of the Jasper County Historical Society and the Salvation Army Board. Hill served on the Iowa Civil War Centennial Commission and represented Iowa in the National Legislative Conference during his term as senator.

Eugene M. Hill was a Jasper County Democrat. He served six terms in the Senate from 1959 to 1978, during the 58th, 59th, 60th, 60th Extraordinary, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, and 67th Extraordinary General Assemblies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE EIGHTIETH GENERAL ASSEMBLY OF IOWA: That in the passing of the Honorable Eugene M. Hill, 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.

DENNIS H. BLACK
DICK L. DEARDEN
PAUL MCKINLEY
Committee

JOURNAL OF THE SENATE

EXTRAORDINARY SESSION

FIRST CALENDAR DAY
FIRST SESSION DAY

Senate Chamber
Des Moines, Iowa, Tuesday, September 7, 2004

Pursuant to the proclamation of the Governor, the Honorable Thomas J. Vilsack, convening the Eightieth General Assembly in Extraordinary Session, the Senate was called to order at 10:17 a.m. by the Honorable Jeff Lamberti, President of the Senate.

Prayer was offered by the Honorable Ken Veenstra, member of the Senate from Sioux County, Orange City, Iowa.

LEAVES OF ABSENCE

Leaves of absence were granted as follows:

Senator Larson, excused for the 2004 Extraordinary Session because he is serving in the military in Iraq, on request of Senator Iverson; and Senator Connolly, for the day, on request of Senator Gronstal.

COMMUNICATION FROM THE GOVERNOR

The following communication from the Governor was presented:

August 31, 2004

The Honorable Jeff Lamberti
President of the Senate
State Capitol
LOCAL

The Honorable Christopher Rants
Speaker of the House
State Capitol
LOCAL

Dear Legislative Leaders:

The Iowa Supreme Court filed a decision on a case nullifying the Iowa Values Fund on June 16, 2004. The last few weeks have created a sense of uncertainty about the future of the fund and the existing obligations as we have worked to reach a compromise. It is essential that we continue the success of this economic growth effort and bring quick resolution to this issue. As a result, I am outlining for you today my list of items that I am willing to sign into law. I expect a single-day special session with no other bills or topics.

In an effort to avoid further litigation, I respectfully suggest the following be drafted to comply with the Iowa State Constitution:

1. Reinstate banking provisions (Division XVII in HF 692).
2. Reinstate supersedeas bond (as approved in section 115, in HF 692 and SF 2306).
3. Eliminate unemployment insurance surcharge and credit the surcharge paid in 2004 back to employers. Provide general fund appropriation to fund Workforce Development field offices through December 2006.
4. Appropriate resources from federal stimulus grant in the amount of \$100 million to fund Iowa Values as outlined in HF 692.
5. Allow corporations to couple with the federal accelerated depreciation schedule in the federal stimulus packages; the 50 percent depreciation and the Section 179 expensing deduction change, and increase from \$25,000 to \$100,000, the amount that can be deducted.
6. I am willing to accept the full recommendation made by Workers' Compensation Commissioner, Mike Trier, in his communication to leaders August 24, 2004.

Now is the time to move forward in aggressively pursuing economic opportunities for all Iowans. Iowans have an expectation that state policy leaders will work together for the good of every citizen. Together, through our determined efforts, we have shown to our citizens that it is possible for compromise and consensus to prevail, even in an election year.

I hereby submit the Proclamation setting the Extraordinary Session of the Iowa Legislature to convene at 10:00 a.m., Tuesday, September 7, 2004.

Sincerely,
THOMAS J. VILSACK
Governor

STATE OF IOWA
Executive Department

In The Name And By The Authority Of The State Of Iowa

P R O C L A M A T I O N

Whereas, the 2004 Regular Session of the Eightieth General Assembly adjourned pursuant to Senate Concurrent Resolution 118, and

Whereas, the Iowa Supreme Court filed a decision on a case nullifying the Iowa Values Fund on June 16, 2004, and

Whereas, Iowa has entered a new era of economic and social competition from around the globe. With our action on the legislation of this Extraordinary Session, Iowa will strengthen its standing in the marketplace as a focused and dedicated state of opportunity. Further, Iowa is a state that remains a leader in education and health care and an outstanding quality of life, and

Whereas, economic opportunity and security is in the best interest of all Iowans. The Iowa Values Fund establishes our state as an even better place to do business and focuses our ability to recruit the life sciences, information solutions, and advanced manufacturing companies of the next generation, and

Whereas, it is essential that we continue the success of this economic growth effort and bring quick resolution to this issue, and

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 Eightieth General Assembly shall convene in Extraordinary Session in Des Moines, Iowa, at 10:00 a.m. on the 7th day of September, 2004, and to that end I do call up and direct the members of the House of Representatives to convene in the House chamber at the State Capitol and members of the Senate to convene in the Senate chamber at the State Capitol at 10:00 a.m. on the 7th day of September, 2004, for the purpose for which the assembly is convened, namely the matter of the Iowa Values Fund that is essential for the economic security of our state, and matters properly related thereto.

(SEAL)

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines, Iowa, this 27th day of August in the year of our Lord two thousand four.

THOMAS J. VILSACK, Governor

Attest:

CHESTER J. CULVER
Secretary of State

ORGANIZATION OF THE SENATE

Senator Iverson moved that the selection of seats, determination of mileage of senators, assignment of press seats, and all other organizational or administrative matters not specifically provided for in Joint Rule 3 be the same for this Extraordinary Session as for the 2004 Regular Session of the Eightieth 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:

MR. PRESIDENT: I am directed to inform your honorable body that the House has, pursuant to the August 27, 2004, proclamation of the Governor, **duly organized** for the Extraordinary Session of the Eightieth General Assembly and is ready to receive communications from the Senate.

The Senate stood at ease at 10:26 a.m. until the fall of the gavel for the purpose of party caucuses.

The Senate resumed session at 12:01 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 12:02 p.m. until the completion of a meeting of the committee on Ways and Means.

The Senate resumed session at 1:50 p.m., President Lamberti presiding.

INTRODUCTION OF BILLS

Senate File 2311, by committee on Appropriations, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

Read first time and **placed on Appropriations calendar.**

Senate File 2312, by committee on Ways and Means, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Read first time and **placed on Ways and Means calendar.**

SPECIAL GUEST

The Senate welcomed to the Senate chamber U.S. Ambassador Mary Kramer of Barbados, former President of the Senate from Polk County.

The Senate rose and expressed its welcome.

FINAL COMMITTEE REPORT OF BILL ACTION

APPROPRIATIONS

Bill Title: SENATE FILE 2311 (SSB 3179), a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 23: Angelo, Lamberti, Dvorsky, Behn, Black, Bolkcom, Dotzler, Fraise, Gaskill, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann. Nays, 1: Hatch. Absent, 1: Connolly.

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 2311.

Senate File 2311

On motion of Senator Angelo, **Senate File 2311**, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions, was taken up for consideration.

(Action on Senate File 2311 was deferred.)

The Senate stood at ease at 1:55 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 3:47 p.m., President Lamberti presiding.

RECESS

On motion of Senator Iverson, the Senate recessed at 3:48 p.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 3:56 p.m., President Lamberti presiding.

INTRODUCTION OF RESOLUTIONS

Senate Concurrent Resolution 119, by committee on Rules and Administration, a concurrent resolution to provide for adjournment sine die.

Read first time and **placed on calendar**.

Senate Resolution 181, by committee on Rules and Administration, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Read first time and **placed on calendar**.

Senate Resolution 182, by committee on Rules and Administration, a resolution recognizing the freedom-loving people of the nation of Poland.

Read first time and **placed on calendar**.

FINAL COMMITTEE REPORTS OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: SENATE RESOLUTION 181, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, and Sievers. Nays, none. Absent, 2: Ragan and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: SENATE RESOLUTION 182, a resolution recognizing the freedom-loving people of the nation of Poland.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, and Sievers. Nays, none. Absent, 2: Ragan and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 181.

Senate Resolution 181

On motion of Senator Iverson, **Senate Resolution 181**, a resolution to honor the Meskwaki tribe members who served as Code Talkers in North Africa during World War II and to request that Congress and the President of the United States honor all Code Talkers who served in the United States armed forces, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 181, which motion prevailed by a voice vote.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Resolution 182.

Senate Resolution 182

On motion of Senator Iverson, **Senate Resolution 182**, a resolution recognizing the freedom-loving people of the nation of Poland, was taken up for consideration.

Senator Iverson moved the adoption of Senate Resolution 182, which motion prevailed by a voice vote.

The Senate stood at ease at 4:00 p.m. until the fall of the gavel.

The Senate resumed session at 5:10 p.m., President Lamberti presiding.

BUSINESS PENDING

Senate File 2311

The Senate resumed consideration of **Senate File 2311**, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions, previously deferred.

Senator Gronstal offered amendment S-5409, filed by Senator Gronstal, et al., from the floor striking and replacing everything after the enacting clause and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question “Shall amendment S-5409 be adopted?” (S.F. 2311), the vote was:

Yeas, 19:

| | | | |
|----------|----------|-----------|-----------|
| Beall | Dvorsky | Horn | Ragan |
| Black | Fraise | Kibbie | Seng |
| Bolkcom | Gronstal | Kreiman | Stewart |
| Courtney | Hatch | McCoy | Warnstadt |
| Dotzler | Holveck | Quirmbach | |

Nays, 29:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Miller | Tinsman |
| Behn | Iverson | Putney | Veenstra |
| Boettger | Johnson | Redfern | Ward |
| Brunkhorst | Kettering | Rehberg | Wieck |
| Dearden | Lamberti | Schuerer | Zieman |
| Drake | Lundby | Seymour | |
| Gaskill | McKibben | Shull | |
| Hosch | McKinley | Sievers | |

Absent, 2:

| | |
|----------|--------|
| Connolly | Larson |
|----------|--------|

Amendment S-5409 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. 2311), the vote was:

Yeas, 45:

| | | | |
|------------|-----------|-----------|-----------|
| Angelo | Gaskill | Lundby | Shull |
| Beall | Gronstal | McCoy | Sievers |
| Behn | Holveck | McKibben | Stewart |
| Black | Horn | McKinley | Tinsman |
| Boettger | Hosch | Putney | Veenstra |
| Bolkcom | Houser | Quirnbach | Ward |
| Brunkhorst | Iverson | Ragan | Warnstadt |
| Courtney | Johnson | Redfern | Wieck |
| Dotzler | Kettering | Rehberg | Zieman |
| Drake | Kibbie | Schuerer | |
| Dvorsky | Kreiman | Seng | |
| Fraise | Lamberti | Seymour | |

Nays, 3:

| | | |
|---------|-------|--------|
| Dearden | Hatch | Miller |
|---------|-------|--------|

Absent, 2:

| | |
|----------|--------|
| Connolly | Larson |
|----------|--------|

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 2311** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED AND CONSIDERED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on September 7, 2004, **passed** the following bill in which the concurrence of the Senate is asked:

House File 2581, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Read first time and **attached to companion Senate File 2312**.

FINAL COMMITTEE REPORT OF BILL ACTION

WAYS AND MEANS

Final Bill Action: SENATE FILE 2312 (SSB 3180), a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: McKibben, Shull, Angelo, Hosch, McKinley, Miller, Putney, Rehberg, Sievers, and Wieck. Nays, 6: Bolkcom, Dotzler, McCoy, Quirmbach, Seng, and Stewart. Absent, 1: Connolly.

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 Senate File 2312.

Senate File 2312

On motion of Senator Wieck, **Senate File 2312**, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions, was taken up for consideration.

Senator Gronstal asked and received unanimous consent that action on amendment S-5406, filed by Senator Dotzler from the floor to pages 3-9 and to the title page of the bill be deferred.

Senator Gronstal offered amendment S-5408, filed by Senator Gronstal, et al., from the floor to pages 3-9, 14-16, and to the title page of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment S-5408 be adopted?" (S.F. 2312), the vote was:

Yeas, 12:

| | | | |
|----------|----------|--------|-----------|
| Beall | Dotzler | Horn | Seng |
| Black | Fraise | Kibbie | Stewart |
| Courtney | Gronstal | Ragan | Warnstadt |

Nays, 36:

| | | | |
|------------|-----------|-----------|----------|
| Angelo | Hatch | Lundby | Schuerer |
| Behn | Holveck | McCoy | Seymour |
| Boettger | Hosch | McKibben | Shull |
| Bolkcom | Houser | McKinley | Sievers |
| Brunkhorst | Iverson | Miller | Tinsman |
| Dearden | Johnson | Putney | Veenstra |
| Drake | Kettering | Quirnbach | Ward |
| Dvorsky | Kreiman | Redfern | Wieck |
| Gaskill | Lamberti | Rehberg | Zieman |

Absent, 2:

| | |
|----------|--------|
| Connolly | Larson |
|----------|--------|

Amendment S-5408 lost.

Senator Dotzler withdrew amendment S-5406, previously deferred.

Senator Dotzler withdrew the following amendments:

S-5410, filed by him from the floor to pages 3-9 of the bill;
 S-5411, filed by him from the floor to page 6 of the bill; and
 S-5413, filed by him from the floor to pages 4-9 of the bill.

Senator Kreiman offered amendment S-5412, filed by Senators Kreiman and Beall from the floor to pages 14-16 and to the title page of the bill.

Senator Wieck raised the point of order that amendment S-5412 was not germane to the bill.

The Chair ruled the point well-taken and amendment S-5412 out of order.

The Senate stood at ease at 6:18 p.m. until the fall of the gavel for the purpose of a Democratic caucus.

The Senate resumed session at 6:58 p.m., President Lamberti presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Miller, until he returns, on request of Senator Brunkhorst.

BUSINESS PENDING

Senate File 2312

The Senate resumed consideration of Senate File 2312.

Senator Quirnbach offered amendment S-5407, filed by him 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-5407 be adopted?" (S.F. 2312), the vote was:

Yeas, 21:

| | | | |
|----------|----------|---------|-----------|
| Beall | Dvorsky | Kibbie | Seng |
| Black | Fraise | Kreiman | Stewart |
| Bolkcom | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |

| | | |
|---------|---------|-----------|
| Dearden | Holveck | Quirnbach |
| Dotzler | Horn | Ragan |

Nays, 26:

| | | | |
|------------|-----------|----------|----------|
| Angelo | Houser | Putney | Tinsman |
| Behn | Iverson | Redfern | Veenstra |
| Boettger | Johnson | Rehberg | Ward |
| Brunkhorst | Kettering | Schuerer | Wieck |
| Drake | Lamberti | Seymour | Zieman |
| Gaskill | McKibben | Shull | |
| Hosch | McKinley | Sievers | |

Absent, 3:

| | | |
|----------|--------|--------|
| Connolly | Larson | Miller |
|----------|--------|--------|

Amendment S-5407 lost.

Senator Wieck asked and received unanimous consent that **House File 2581** be **substituted** for **Senate File 2312**.

House File 2581

On motion of Senator Wieck, **House File 2581**, a bill for an act concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation, financial services, unemployment compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions, was taken up for consideration.

Senator Wieck moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 2581), the vote was:

Yeas, 26:

| | | | |
|----------|-----------|----------|----------|
| Angelo | Iverson | Putney | Tinsman |
| Behn | Johnson | Redfern | Veenstra |
| Boettger | Kettering | Rehberg | Ward |
| Drake | Lamberti | Schuerer | Wieck |
| Gaskill | McKibben | Seymour | Zieman |

| | | |
|--------|----------|---------|
| Hosch | McKinley | Shull |
| Houser | Miller | Sievers |

Nays, 22:

| | | | |
|------------|----------|-----------|-----------|
| Beall | Dotzler | Horn | Ragan |
| Black | Dvorsky | Kibbie | Seng |
| Bolkcom | Fraise | Kreiman | Stewart |
| Brunkhorst | Gronstal | Lundby | Warnstadt |
| Courtney | Hatch | McCoy | |
| Dearden | Holveck | Quirmbach | |

Absent, 2:

| | |
|----------|--------|
| Connolly | Larson |
|----------|--------|

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

WITHDRAWN

Senator Wieck asked and received unanimous consent that **Senate File 2312** be **withdrawn** from further consideration of the Senate.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **House File 2581** be **immediately messaged** to the House.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House has on September 7, 2004, **passed** the following bill in which the concurrence of the House was asked:

Senate File 2311, a bill for an act relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

FINAL COMMITTEE REPORT OF BILL ACTION

RULES AND ADMINISTRATION

Final Bill Action: SENATE CONCURRENT RESOLUTION 119, a concurrent resolution to provide for adjournment sine die.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 9: Iverson, Lamberti, Gronstal, Boettger, Courtney, Drake, Dvorsky, Gaskill, and Sievers. Nays, none. Absent, 2: Ragan and Wieck.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration Senate Concurrent Resolution 119.

Senate Concurrent Resolution 119

On motion of Senator Iverson, **Senate Concurrent Resolution 119**, a concurrent resolution to provide for adjournment sine die, was taken up for consideration.

Senator Iverson moved the adoption of Senate Concurrent Resolution 119, which motion prevailed by a voice vote.

IMMEDIATELY MESSAGED

Senator Iverson asked and received unanimous consent that **Senate Concurrent Resolution 119** be **immediately messaged** to the House.

SECRETARY TO NOTIFY THE GOVERNOR AND THE HOUSE

Senator Iverson moved that the Secretary of the Senate be directed to send a written message to the Governor and the House of Representatives informing them that the Senate was prepared to adjourn in accordance with Senate Concurrent Resolution 119.

The motion prevailed by a voice vote.

HOUSE MESSAGE RECEIVED

The following message was received from the Chief Clerk of the House:

MR. PRESIDENT: I am directed to inform your honorable body that the House is prepared to **adjourn** the 2004 Extraordinary Session of the Eightieth General Assembly pursuant to Senate Concurrent Resolution 119, duly adopted.

MOTION TO ADJOURN ADOPTED

Senator Iverson moved that the 2004 Extraordinary Session of the Eightieth General Assembly adjourn sine die in accordance with Senate Concurrent Resolution 119, duly adopted.

The motion prevailed by a voice vote.

FINAL ADJOURNMENT

By virtue of Senate Concurrent Resolution 119, duly adopted, the day of September 7, 2004, having arrived, President Lamberti declared the 2004 Extraordinary Session of the Eightieth 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 Services Agency, after the adjournment of the 2004 Regular Session.

April 28, 2004

IOWA COLLEGE STUDENT AID COMMISSION

FY 2002–2003 Annual Report — notification that the report is available online.

May 4, 2004

OFFICE OF CITIZENS'/AIDE OMBUDSMAN

FY 2003 Annual Report — the report is also available online.

May 19, 2004

IOWA RACING AND GAMING COMMISSION

FY 2003 Annual Report.

June 3, 2004

DEPARTMENT OF PUBLIC HEALTH

2002 Vital Statistics Report, pursuant to Iowa Code chapter 144.5(5) — notification that the report is available online.

June 22, 2004

DEPARTMENT OF NATURAL RESOURCES

2003 Public Drinking Water Program Annual Compliance Report — the report is also available online.

July 16, 2004

DEPARTMENT OF HUMAN SERVICES

Progress report on redesigning adult and child systems for mental health and developmental disabilities, pursuant to 2004 Acts, House File 2537 — the report is also available online.

July 23, 2004

DEPARTMENT OF ECONOMIC DEVELOPMENT

FY 2004 Semi-annual Report on Value-Added Agricultural Products and Processes Financial Assistance Program (VAAPFAP), pursuant to Iowa Code section 15E.111(8) — notification that the report is available online.

Report referring to status of the commodities promotion program and plan annual update, pursuant to Iowa Code section 15.203(2) — notification that the report is available online.

AGENCY ICN REPORT

July 1, 2004

IOWA CIVIL RIGHTS COMMISSION

Iowa Communications Network (ICN) Usage for FY 2004, pursuant to Iowa Code section 8D.10 — the report in electronic form is also available online.

REPORTS OF COMMITTEE MEETINGS

APPROPRIATIONS

Convened: September 7, 2004, 12:25 p.m.

Members Present: Angelo, Chair; Lamberti, Vice Chair; Dvorsky, Ranking Member; Behn, Black, Bolkcom, Dotzler, Fraise, Gaskill, Hatch, Horn, Houser, McKibben, McKinley, Miller, Schuerer, Seng, Seymour, Shull, Sievers, Tinsman, Veenstra, Warnstadt, and Ziemann.

Members Absent: Connolly (excused).

Committee Business: Approved SSB 3179.

Adjourned: 1:15 p.m.

RULES AND ADMINISTRATION

Convened: September 7, 2004, 3:50 p.m.

Members Present: Iverson, Chair; Lamberti, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Gaskill, and Sievers.

Members Absent: Ragan and Wieck (both excused).

Committee Business: Approved SCR 119 and SRs 181 and 182.

Adjourned: 3:55 p.m.

WAYS AND MEANS

Convened: September 7, 2004, 1:25 p.m.

Members Present: McKibben, Chair; Shull, Vice Chair; Bolkcom, Ranking Member; Angelo, Dotzler, Hosch, McCoy, McKinley, Miller, Putney, Quirnbach, Rehberg, Seng, Sievers, Stewart, and Wieck.

Members Absent: Connolly (excused).

Committee Business: Approved SSB 3180.

Adjourned: 1:40 p.m.

STUDY BILLS RECEIVED**SSB 3179 Appropriations**

Relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

SSB 3180 Ways and Means

Concerning regulatory, taxation, and statutory requirements affecting individuals and business relating to economic development, workers' compensation employer surcharges, income taxation bonus depreciation and expensing allowances, and civil action appeal bonds, and including effective date, applicability, and retroactive applicability provisions.

SUBCOMMITTEE ASSIGNMENTS**SSB 3179**

APPROPRIATIONS: Angelo, Chair; Dvorsky and Lamberti

SSB 3180

WAYS AND MEANS: Wieck, Chair; Bolkcom and McKibben

**ANNOUNCEMENT OF APPOINTMENT
BY SENATE MAJORITY LEADER**

BOARD OF TRUSTEES OF THE IOWA CULTURAL TRUST

(Iowa Code section 303A.5)

Ted Tedesco

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MR. PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 7th day of September, 2004:

Senate File 2311.

MICHAEL E. MARSHALL
Secretary of the Senate

AMENDMENTS FILED

| | | | |
|--------|------|------|---|
| S-5406 | S.F. | 2312 | William A. Dotzler, Jr. |
| S-5407 | S.F. | 2312 | Herman C. Quirnbach |
| S-5408 | S.F. | 2312 | Michael E. Gronstal John P. Kibbie Amanda Ragan William A. Dotzler, Jr. Joe M. Seng Steve Warnstadt Gene Fraise Matt W. McCoy Wally E. Horn Daryl Beall Roger Stewart Thomas G. Courtney |
| S-5409 | S.F. | 2311 | Michael E. Gronstal Daryl Beall Dennis H. Black Joe Bolcom Thomas G. Courtney William A. Dotzler, Jr. Robert E. Dvorsky Gene Fraise Jack Hatch Jack Holveck Wally E. Horn John P. Kibbie Keith A. Kreiman |

| | | | |
|--------|------|------|-------------------------|
| | | | Matt W. McCoy |
| | | | Herman C. Quirnbach |
| | | | Amanda Ragan |
| | | | Joe M. Seng |
| | | | Roger Stewart |
| | | | Steve Warnstadt |
| S-5410 | S.F. | 2312 | William A. Dotzler, Jr. |
| S-5411 | S.F. | 2312 | William A. Dotzler, Jr. |
| S-5412 | S.F. | 2312 | Keith A. Kreiman |
| | | | Daryl Beall |
| S-5413 | S.F. | 2312 | William A. Dotzler, Jr. |

SENATE BILL SIGNED BY GOVERNOR
SUBSEQUENT TO ADJOURNMENT

A communication was received announcing that on September 7, 2004, the Governor approved and transmitted to the Secretary of State the following bill:

S.F. 2311 – Relating to appropriations for economic development purposes, workforce development field offices, workforce training and economic development funds of community colleges, and including effective date and retroactive applicability provisions.

AMENDMENTS FILED
EIGHTIETH GENERAL ASSEMBLY
2004 EXTRAORDINARY SESSION

S-5406

- 1 Amend Senate File 2312 as follows:
2 1. By striking page 3, line 18, through page 6,
3 line 9.
4 2. Page 7, by striking lines 2 through 27.
5 3. Page 7, by striking lines 29 and 30, and
6 inserting the following: "section of this division of
7 this Act amending section 85.70, being".
8 4. Page 7, line 31, by striking the work "take"
9 and inserting the following: "takes".
10 5. Page 7, line 32, by striking the word "apply"
11 and inserting the following: "applies".
12 6. By striking page 7, line 33, through page 9,
13 line 23.
14 7. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5407

- 1 Amend Senate File 2312 as follows:
2 1. Page 15, line 6, by inserting after the word
3 "purposes," the following: "but only".
4 2. Page 15, line 7, by striking the word and
5 figures "May 5, 2003" and inserting the following:
6 "June 30, 2004".
7 3. Page 15, by inserting after line 7, the
8 following: "For property acquired after May 5, 2003,
9 and before July 1, 2004, if the taxpayer has taken the
10 deduction allowed in section 168(k)(4), as enacted by
11 Pub. L. No. 108-27, in computing federal adjusted
12 gross income, the adjustments in paragraph "a" shall
13 be made."
14 4. Page 16, line 4, by inserting after the word
15 "purposes," the following: "but only".
16 5. Page 16, line 5, by striking the word and
17 figures "May 5, 2003" and inserting the following:
18 "June 30, 2004".
19 6. Page 16, by inserting after line 5, the
20 following: "For property acquired after May 5, 2003,
21 and before July 1, 2004, if the taxpayer has taken the
22 deduction allowed in section 168(k)(4), as enacted by
23 Pub. L. No. 108-27, in computing federal adjusted

24 gross income, the adjustments in paragraph “a” shall
 25 be made.
 26 Sec. ____ STATE GENERAL FUND TRANSFER. There is
 27 transferred from the general fund of the state to the
 28 federal economic stimulus and jobs holding fund, if
 29 created, during the fiscal year beginning July 1,
 30 2004, and ending June 30, 2005, the amount of increase
 31 in state individual and corporate income tax revenues
 32 during the fiscal year beginning July 1, 2004, as a
 33 result of the 50 percent bonus depreciation in section
 34 168(k)(4) of the Internal Revenue Code being
 35 applicable only to qualified property acquired after
 36 June 30, 2004.”

HERMAN C. QUIRMBACH

S-5408

1 Amend Senate File 2312 as follows:
 2 1. By striking page 3, line 18, through page 9,
 3 line 26.
 4 2. By striking page 14, line 7, through page 16,
 5 line 15.
 6 3. Page 16, by inserting before line 16 the
 7 following:
 8 “DIVISION ____
 9 INCOME TAXATION
 10 BONUS DEPRECIATION AND EXPENSING ALLOWANCE
 11 Sec. ____ Section 422.3, subsection 5, Code
 12 Supplement 2003, is amended to read as follows:
 13 5. “Internal Revenue Code” means the Internal
 14 Revenue Code of 1954, prior to the date of its
 15 redesignation as the Internal Revenue Code of 1986 by
 16 the Tax Reform Act of 1986, or means the Internal
 17 Revenue Code of 1986 as amended to and including
 18 January 1, 2003, and as amended by Pub. L. No. 108-
 19 27, section 202, whichever is applicable.
 20 Sec. ____ Section 422.7, subsection 39, Code
 21 Supplement 2003, is amended to read as follows:
 22 39. a. The additional first-year depreciation
 23 allowance authorized in section 168(k) of the Internal
 24 Revenue Code, as enacted by Pub. L. No. 107-147,
 25 section 101, does not apply in computing net income
 26 for state tax purposes. If the taxpayer has taken
 27 such deduction in computing federal adjusted gross
 28 income, the following adjustments shall be made:
 29 ~~a.~~ (1) Add the total amount of depreciation taken
 30 on all property for which the election under section
 31 168(k) of the Internal Revenue Code was made for the
 32 tax year.
 33 ~~b.~~ (2) Subtract an amount equal to depreciation
 34 ~~taken~~ allowed on such property for the tax year using

35 the modified accelerated cost recovery system
 36 depreciation method applicable under section 168 of
 37 the Internal Revenue Code without regard to section
 38 168(k).
 39 ~~e.~~ (3) Any other adjustments to gains or losses
 40 to reflect the adjustments made in ~~paragraphs “a” and~~
 41 ~~“b”~~ subparagraphs (1) and (2) pursuant to rules
 42 adopted by the director.
 43 b. The additional first-year depreciation
 44 allowance authorized in section 168(k)(4) of the
 45 Internal Revenue Code, as enacted by Pub. L. No. 108–
 46 27, shall apply in computing net income for state tax
 47 purposes, for qualified property acquired after May 5,
 48 2003, and before January 1, 2005.
 49 Sec. ____ Section 422.32, subsection 7, Code
 50 Supplement 2003, is amended to read as follows:

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1 7. “Internal Revenue Code” means the Internal
 2 Revenue Code of 1954, prior to the date of its
 3 redesignation as the Internal Revenue Code of 1986 by
 4 the Tax Reform Act of 1986, or means the Internal
 5 Revenue Code of 1986 as amended to and including
 6 January 1, 2003, and as amended by Pub. L. No. 108–
 7 27, section 202, whichever is applicable.
 8 Sec. ____ Section 422.35, subsection 19, Code
 9 Supplement 2003, is amended to read as follows:
 10 19. a. The additional first-year depreciation
 11 allowance authorized in section 168(k) of the Internal
 12 Revenue Code, as enacted by Pub. L. No. 107–147,
 13 section 101, does not apply in computing net income
 14 for state tax purposes. If the taxpayer has taken
 15 such deduction in computing taxable income, the
 16 following adjustments shall be made:
 17 ~~a.~~ (1) Add the total amount of depreciation taken
 18 on all property for which the election under section
 19 168(k) of the Internal Revenue Code was made for the
 20 tax year.
 21 ~~b.~~ (2) Subtract an amount equal to depreciation
 22 ~~taken~~ allowed on such property for the tax year using
 23 the modified accelerated cost recovery system
 24 depreciation method applicable under section 168 of
 25 the Internal Revenue Code without regard to section
 26 168(k).
 27 ~~e.~~ (3) Any other adjustments to gains or losses
 28 to reflect the adjustments made in ~~paragraphs “a” and~~
 29 ~~“b”~~ subparagraphs (1) and (2) pursuant to rules
 30 adopted by the director.
 31 b. The additional first-year depreciation
 32 allowance authorized in section 168(k)(4) of the
 33 Internal Revenue Code, as enacted by Pub. L. No. 108–

34 27, shall apply in computing net income for state tax
 35 purposes, for qualified property acquired after May 5,
 36 2003, and before January 1, 2005.

37 Sec. ____ RETROACTIVE APPLICABILITY.

38 1. The sections of this division of this Act
 39 amending section 422.7, subsection 39, and section
 40 422.35, subsection 19, apply retroactively to tax
 41 years ending after May 5, 2003.

42 2. The sections of this division of this Act
 43 amending sections 422.3, subsection 5, and 422.32,
 44 subsection 7, apply retroactively to January 1, 2003,
 45 for tax years beginning on or after that date.

46 Sec. ____ EFFECTIVE DATE. This division of this
 47 Act, being deemed of immediate importance, takes
 48 effect upon enactment.”

49 4. Title page, line 3, by striking the words
 50 “workers’ compensation,”.

MICHAEL E. GRONSTAL
 JOHN P. KIBBIE
 AMANDA RAGAN
 WILLIAM A. DOTZLER, JR.
 JOE M. SENG
 STEVE WARNSTADT
 GENE FRAISE
 MATT W. McCOY
 WALLY E. HORN
 DARYL BEALL
 ROGER STEWART
 THOMAS G. COURTNEY

S-5409

1 Amend Senate File 2311 as follows:

2 1. By striking everything after the enacting
 3 clause and inserting the following:
 4 “DIVISION I
 5 LEGISLATIVE FINDINGS — VALIDATION
 6 Section 1. LEGISLATIVE FINDINGS.
 7 1. It is the finding of the general assembly that
 8 the recent Iowa supreme court decision of Rants and
 9 Iverson v. Vilsack, No. 60/03–1948, June 16, 2004, has
 10 invalidated the proper enactment of provisions
 11 contained in 2003 Iowa Acts, First Extraordinary
 12 Session, chapter 1 (House File 692). It is the intent
 13 of the general assembly to reenact and reaffirm
 14 certain provisions of House File 692 that were
 15 published in the 2003 Iowa Acts and the 2003 Iowa Code
 16 Supplement, including provisions that were
 17 subsequently amended in the 2004 regular session of
 18 the Eightieth General Assembly, and to validate
 19 contracts entered into in reliance on the enactment of

20 provisions published in the 2003 Code Supplement.
 21 2. It is the finding of the general assembly that
 22 the recent Iowa supreme court decision of Rants and
 23 Iverson v. Vilsack, No. 60/03–1948, June 16, 2004, has
 24 raised questions in regard to the proper enactment of
 25 provisions contained in 2003 Iowa Acts, First
 26 Extraordinary Session, chapter 2 (House File 683), and
 27 in 2004 enactments. It is the intent of the general
 28 assembly to resolve any doubt as to the validity of
 29 the provisions contained in House File 683 and 2004
 30 enactments by reenacting the provisions, and to
 31 validate contracts entered into in reliance on the
 32 enactment of provisions published in the 2003 Code
 33 Supplement.

34 Sec. 2. CONTRACT OR APPROVED PROJECT OR ACTIVITY
 35 VALIDATION. Any contract or approved project or
 36 activity originally funded or intended to be funded in
 37 whole or in part with moneys from the grow Iowa values
 38 fund, and entered into or approved by the department
 39 of economic development or the grow Iowa values board
 40 after June 30, 2003, and before June 16, 2004, in
 41 reliance on the publication of law implementing the
 42 grow Iowa values fund in the 2003 Code Supplement and
 43 2003 Iowa Acts, is valid and enforceable to the full
 44 extent of the law. The Iowa supreme court decision in
 45 Rants and Iverson v. Vilsack, No. 60/03–1948, June 16,
 46 2004, and the provisions of this Act shall not in
 47 themselves constitute grounds for rescision or
 48 modification of such contracts or approved projects or
 49 activities. This Act provides appropriations to fund
 50 these contracts or approved projects or activities.

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1 Sec. 3. EFFECTIVE DATE. This division of this
 2 Act, being deemed of immediate importance, takes
 3 effect upon enactment.

4 DIVISION II

5 GROW IOWA VALUES BOARD AND FUND

6 Sec. 4. GROW IOWA VALUES BOARD AND FUND. The
 7 following provisions, as published in Iowa Code
 8 Supplement 2003, pertaining to the grow Iowa values
 9 board and fund, are reaffirmed and reenacted:

10 1. Section 15.108, subsection 9, paragraph “g”.

11 2. Section 15G.101.

12 3. Section 15G.102.

13 4. Section 15G.103.

14 5. Section 15G.104.

15 6. Section 15G.105.

16 7. Section 15G.106.

17 8. Section 15G.107.

18 9. Section 15G.108.

19 10. Section 15G.109.

20 11. Section 15G.110.

21 12. Section 292.4, including the amendment made in
22 2004 Iowa Acts, House File 2208, section 59.

23 Sec. 5. Section 15G.107, Code Supplement 2003, as
24 reaffirmed and reenacted by this division of this Act,
25 is amended by adding the following new subsection:
26 NEW SUBSECTION. 6. Notwithstanding subsection 3,
27 paragraph “a”, it is the policy of this state to
28 expand and stimulate the state economy by advancing,
29 promoting, and expanding the biotechnology industry in
30 this state. To implement this policy, the board shall
31 consider projects that increase income to individuals
32 or organizations involved in value-added agribusiness
33 or biotechnology. In making such considerations, the
34 board shall not limit job creation criteria to one
35 specific project site.

36 Sec. 6. Section 15.108, subsection 9, paragraph g,
37 Code Supplement 2003, as reaffirmed and reenacted by
38 this division of this Act, is amended by adding the
39 following new unnumbered paragraph:

40 NEW UNNUMBERED PARAGRAPH. This paragraph “g” is
41 repealed effective July 1, 2010.

42 Sec. 7. Section 15G.110, Code Supplement 2003, as
43 reaffirmed and reenacted by this division of this Act,
44 is amended by adding the following new unnumbered
45 paragraph:

46 NEW UNNUMBERED PARAGRAPH. This chapter is repealed
47 effective July 1, 2010.

48 Sec. 8. 2004 Iowa Acts, House File 2207, section
49 101, is repealed.

50 Sec. 9. EFFECTIVE DATE AND RETROACTIVE

Page 3

1 APPLICABILITY PROVISIONS. This division of this Act,
2 being deemed of immediate importance, takes effect
3 upon enactment, and, other than the repeal of 2004
4 Iowa Acts, House File 2207, section 101, is
5 retroactively applicable to July 1, 2003.

6 DIVISION III

7 GROW IOWA VALUES FUND APPROPRIATIONS

8 Sec. 10. 2003 IOWA ACTS, HOUSE FILE 683 —
9 APPROPRIATIONS. 2003 Iowa Acts, First Extraordinary
10 Session, chapter 2, sections 65 through 75, are
11 repealed. However, to the extent an appropriation
12 made in this division of this Act is made for the same
13 purpose as an appropriation made in 2003 Iowa Acts,
14 First Extraordinary Session, chapter 2, sections 65
15 through 75, action taken pursuant to 2003 Iowa Acts,
16 First Extraordinary Session, chapter 2, sections 65
17 through 75, shall be considered valid and enforceable.

18 Sec. 11. NEW SECTION. 15G.111 ECONOMIC
19 DEVELOPMENT APPROPRIATIONS FROM GROW IOWA VALUES FUND.

20 1. MARKETING DEVELOPMENT. There is appropriated
21 from the fund to the department for the designated
22 fiscal years, the following amounts, or so much
23 thereof as is necessary, to be used for the purpose
24 designated:

25 For implementing and administering the marketing
26 strategy approved under this chapter by the economic
27 development marketing board:

| | | |
|--------------------------|----|------------|
| 28 a. FY 2003–2004 | \$ | 2,244,826 |
| 29 b. FY 2004–2005 | \$ | 7,500,000 |
| 30 c. FY 2005–2006 | \$ | 10,000,000 |

31 2. DEPARTMENTAL PROGRAMS.

32 a. There is appropriated from the fund to the
33 department for the designated fiscal years, the
34 following amounts, or so much thereof as is necessary,
35 to be used for the purpose designated:

36 For programs administered by the department:

| | | |
|---------------------------|----|------------|
| 37 (1) FY 2003–2004 | \$ | 38,006,883 |
| 38 (2) FY 2004–2005 | \$ | 41,000,000 |
| 39 (3) FY 2005–2006 | \$ | 44,000,000 |
| 40 (4) FY 2006–2007 | \$ | 48,000,000 |

41 b. The board shall allocate a percentage of each
42 appropriation made in this subsection for each of the
43 following types of activities:

- 44 (1) Business start-ups.
- 45 (2) Business expansion.
- 46 (3) Business modernization.
- 47 (4) Business attraction.
- 48 (5) Business retention.
- 49 (6) Marketing.

50 c. An applicant for moneys appropriated in this

Page 4

1 subsection shall be required by the department to
2 include in the application a statement regarding the
3 intended return on investment. A recipient of moneys
4 appropriated in this subsection shall annually submit
5 a statement to the department regarding the progress
6 achieved on the intended return on investment stated
7 in the application. The department, in cooperation
8 with the department of revenue, shall develop a method
9 of identifying and tracking each new job created
10 through financial assistance from moneys appropriated
11 in this subsection.

12 d. The department may use moneys appropriated in
13 this subsection to procure technical assistance from
14 either the public or private sector, for information
15 technology purposes, and for rail, air, or river port
16 transportation-related purposes. The use of moneys

17 appropriated for rail, air, or river port
18 transportation-related purposes must be directly
19 related to an economic development project and the
20 moneys must be used to leverage other financial
21 assistance moneys.

22 e. Of the moneys appropriated in this subsection,
23 the department may use one-half of one percent for
24 administrative purposes.

25 f. The applications for financial assistance from
26 moneys appropriated in this subsection are subject to
27 action of the board approving or denying the
28 applications.

29 3. LOAN AND CREDIT GUARANTEE FUND. There is
30 appropriated from the fund to the department for the
31 designated fiscal years, the following amounts, or so
32 much thereof as is necessary, to be used for the
33 purpose designated:

| | | | |
|----|---|----|-----------|
| 34 | For deposit in the loan and credit guarantee fund | | |
| 35 | created in section 15E.227: | | |
| 36 | a. FY 2003–2004 | \$ | 2,489,800 |
| 37 | b. FY 2004–2005 | \$ | 5,000,000 |
| 38 | c. FY 2005–2006 | \$ | 7,500,000 |
| 39 | d. FY 2006–2007 | \$ | 7,500,000 |

40 4. ENDOW IOWA GRANTS. There is appropriated from
41 the fund to the department for the designated fiscal
42 years, the following amounts, or so much thereof as is
43 necessary, to be used for the purpose designated:

| | | | |
|----|---|----|---------|
| 44 | For providing endow Iowa grants to lead | | |
| 45 | philanthropic entities pursuant to section 15E.304: | | |
| 46 | a. FY 2004–2005 | \$ | 250,000 |
| 47 | b. FY 2005–2006 | \$ | 250,000 |
| 48 | c. FY 2006–2007 | \$ | 500,000 |

49 5. PARKS.
50 a. There is appropriated from the fund to the

Page 5

1 board for the designated fiscal years, the following
2 amounts, or so much thereof as is necessary, to be
3 used for the purpose designated:

4 For the purpose of providing financial assistance
5 for projects in targeted state parks and destination
6 parks:

| | | | |
|----|------------------------|----|---------|
| 7 | (1) FY 2003–2004 | \$ | 500,000 |
| 8 | (2) FY 2004–2005 | \$ | 0 |
| 9 | (3) FY 2005–2006 | \$ | 0 |
| 10 | (4) FY 2006–2007 | \$ | 500,000 |

11 b. The department of natural resources, in
12 cooperation with the department of economic
13 development, shall submit a plan to the grow Iowa
14 values board for the expenditure of moneys
15 appropriated in this subsection. The plan shall focus

16 on improving state parks and destination parks for
 17 economic development purposes. Based on the report
 18 submitted, the grow Iowa values board shall provide
 19 financial assistance to the department of natural
 20 resources for support of state parks and destination
 21 parks.

22 6. ONE-YEAR CARRYOVER. Notwithstanding section
 23 8.33, moneys appropriated in this section that remain
 24 unencumbered or unobligated at the close of the fiscal
 25 year shall not revert but shall remain available for
 26 expenditure for the purposes designated until the
 27 close of the succeeding fiscal year.

28 Sec. 12. NEW SECTION. 15G.112 UNIVERSITY AND
 29 COLLEGE FINANCIAL ASSISTANCE APPROPRIATIONS FROM GROW
 30 IOWA VALUES FUND.

31 1. There is appropriated from the fund to the
 32 board for the designated fiscal years, the following
 33 amounts, or so much thereof as is necessary, to be
 34 used for the purposes designated:

35 For financial assistance for institutions of higher
 36 learning under the control of the state board of
 37 regents and for accredited private institutions as
 38 defined in section 261.9 for multiuse, goods
 39 manufacturing processes approved by the food and drug
 40 administration of the United States department of
 41 health and human services; protein purification
 42 facilities for plant, animal, and chemical
 43 manufactured proteins; accelerating new business
 44 creation; innovation accelerators and business parks;
 45 incubator facilities; upgrading food and drug
 46 administration drug approval laboratories in Iowa City
 47 to a larger multiclient, goods manufacturing processes
 48 facility; crop and animal livestock facilities for the
 49 growing of transgenic crops and livestock, protein
 50 extraction facilities, containment facilities, and

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1 bioanalytical, biochemical, chemical, and
 2 microbiological support facilities; a national center
 3 for food safety and security; and advanced laboratory
 4 space:

| | | |
|-------------------------|----|-----------|
| 5 a. FY 2003–2004 | \$ | 6,000,000 |
| 6 b. FY 2004–2005 | \$ | 7,000,000 |
| 7 c. FY 2005–2006 | \$ | 7,000,000 |
| 8 d. FY 2006–2007 | \$ | 7,000,000 |

9 2. Notwithstanding section 8.33, moneys
 10 appropriated in this section that remain unencumbered
 11 or unobligated at the close of the fiscal year shall
 12 not revert but shall remain available for expenditure
 13 for the purposes designated until the close of the
 14 succeeding fiscal year.

15 3. In the distribution of moneys appropriated in
16 this section, the board shall examine the potential
17 for using such moneys to leverage other moneys
18 available for financial assistance to accredited
19 private institutions.

20 4. In awarding moneys appropriated in this
21 section, the board shall consider whether the purchase
22 of suitable existing infrastructure is more cost-
23 efficient than building new infrastructure.

24 5. An institution of higher learning under the
25 control of the state board of regents may apply to use
26 financial assistance moneys appropriated in this
27 section for purposes of a public and private joint
28 venture to acquire infrastructure assets or research
29 facilities or to leverage moneys in a manner
30 consistent with meeting the goals and performance
31 measures provided in section 15G.107.

32 6. Of the moneys appropriated in this section and
33 provided applications are submitted meeting the
34 requirements of the board, not less than ten million
35 dollars in financial assistance shall be awarded to
36 the university of Iowa, not less than ten million
37 dollars in financial assistance shall be awarded to
38 Iowa state university of science and technology, and
39 not less than five million dollars in financial
40 assistance shall be awarded to the university of
41 northern Iowa.

42 Sec. 13. NEW SECTION. 15G.113 REHABILITATION
43 PROJECT TAX CREDITS APPROPRIATIONS FROM GROW IOWA
44 VALUES FUND.

45 1. There is appropriated from the fund to the
46 general fund of the state, for the designated fiscal
47 years, the following amounts, or so much thereof as is
48 necessary, to be used for the purpose designated:

49 For reimbursement for lost revenue due to tax
50 credits approved pursuant to section 404A.4 for

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| | | | |
|---|---|----|---------|
| 1 | rehabilitation projects located in certified cultural | | |
| 2 | and entertainment districts: | | |
| 3 | a. FY 2005–2006 | \$ | 500,000 |
| 4 | b. FY 2006–2007 | \$ | 500,000 |

5 2. Notwithstanding section 8.33, moneys
6 appropriated in this section that remain unencumbered
7 or unobligated at the close of the fiscal year shall
8 not revert but shall remain available for expenditure
9 for the purpose designated until the close of the
10 succeeding fiscal year.

11 Sec. 14. NEW SECTION. 15G.114 ENDOW IOWA TAX
12 CREDITS APPROPRIATIONS FROM GROW IOWA VALUES FUND.

13 1. There is appropriated from the fund to the

14 general fund of the state, for the designated fiscal
 15 years, the following amounts, or so much thereof as is
 16 necessary, to be used for the purpose designated:

17 For reimbursement for lost revenue due to endow
 18 Iowa tax credits authorized pursuant to section
 19 15E.305:

| | | |
|--------------------------|----|---------|
| 20 a. FY 2004–2005 | \$ | 250,000 |
| 21 b. FY 2005–2006 | \$ | 250,000 |
| 22 c. FY 2006–2007 | \$ | 500,000 |

23 2. Notwithstanding section 8.33, moneys
 24 appropriated in this section that remain unencumbered
 25 or unobligated at the close of the fiscal year shall
 26 not revert but shall remain available for expenditure
 27 for the purpose designated until the close of the
 28 succeeding fiscal year.

29 Sec. 15. NEW SECTION. 15G.115 IOWA CULTURAL
 30 TRUST FUND APPROPRIATIONS FROM GROW IOWA VALUES FUND.

31 1. There is appropriated from the fund to the
 32 office of the treasurer of state, for the designated
 33 fiscal years, the following amounts, or so much
 34 thereof as is necessary, to be used for the purpose
 35 designated:

36 For deposit in the Iowa cultural trust fund created
 37 in section 303A.4:

| | | |
|--------------------------|----|---------|
| 38 a. FY 2003–2004 | \$ | 24,194 |
| 39 b. FY 2004–2005 | \$ | 0 |
| 40 c. FY 2005–2006 | \$ | 0 |
| 41 d. FY 2006–2007 | \$ | 500,000 |

42 2. Notwithstanding section 8.33, moneys
 43 appropriated in this section that remain unencumbered
 44 or unobligated at the close of the fiscal year shall
 45 not revert but shall remain available for expenditure
 46 for the purpose designated until the close of the
 47 succeeding fiscal year.

48 Sec. 16. NEW SECTION. 15G.116 ANTICIPATED
 49 FEDERAL MONEYS — APPROPRIATIONS TO GROW IOWA VALUES
 50 FUND.

Page 8

1 1. There is appropriated from the fund created by
 2 section 8.41, for the designated fiscal years, the
 3 following amounts, to be used for the purpose
 4 designated:

5 For deposit in the grow Iowa values fund:

| | | |
|-------------------------|----|------------|
| 6 a. FY 2003–2004 | \$ | 59,000,000 |
| 7 b. FY 2004–2005 | \$ | 41,000,000 |

8 2. Moneys appropriated in this section are moneys
 9 anticipated to be received from the federal government
 10 for state and local government fiscal relief under the
 11 federal Jobs and Growth Tax Relief Reconciliation Act
 12 of 2003 and shall be expended as provided in the

13 federal law making the moneys available and in
 14 conformance with chapter 17A.
 15 Sec. 17. NEW SECTION. 15G.117 APPROPRIATIONS TO
 16 GROW IOWA VALUES FUND.

17 There is appropriated from the general fund of the
 18 state, for the designated fiscal years, the following
 19 amounts, to be used for the purpose designated:

20 For deposit in the grow Iowa values fund:

| | |
|--------------------------|---------------|
| 21 1. FY 2003–2004 | \$ 5,000,000 |
| 22 2. FY 2004–2005 | \$ 23,000,000 |
| 23 3. FY 2005–2006 | \$ 75,000,000 |
| 24 4. FY 2006–2007 | \$ 75,000,000 |
| 25 5. FY 2007–2008 | \$ 75,000,000 |
| 26 6. FY 2008–2009 | \$ 75,000,000 |
| 27 7. FY 2009–2010 | \$ 75,000,000 |

28 Sec. 18. CASH RESERVE FUND. There is appropriated
 29 from the grow Iowa values fund to the cash reserve
 30 fund for the fiscal year beginning July 1, 2004, and
 31 ending June 30, 2005, the following amount, or so much
 32 thereof as is necessary, to be used for the purposes
 33 designated:

34 For replacing claims paid from the general fund of
 35 the state by the state appeal board as affirmed by
 36 this division of this Act:

| | |
|----------|---------------|
| 37 | \$ 10,058,162 |
|----------|---------------|

38 Sec. 19. PAYMENT OF CLAIMS. The general assembly
 39 affirms the action by the state appeal board on August
 40 27, 2004, approving payment of claims against the
 41 state for moneys appropriated from the grow Iowa
 42 values fund and obligated prior to the Iowa supreme
 43 court decision of Rants and Iverson v. Vilsack, No.
 44 60/03–1948, June 16, 2004, that invalidated the proper
 45 enactment of the appropriations.

46 Sec. 20. Section 260C.18A, subsection 4, paragraph
 47 a, Code Supplement 2003, as reaffirmed and reenacted
 48 in part by division IV of this Act, is amended to read
 49 as follows:

50 a. Five One million nine hundred eighty-four

Page 9

1 thousand five hundred forty-three dollars for the
 2 fiscal year beginning July 1, 2003.

3 Sec. 21. EFFECTIVE DATE AND RETROACTIVE
 4 APPLICABILITY PROVISIONS. This division of this Act,
 5 being deemed of immediate importance, takes effect
 6 upon enactment, and is retroactively applicable to
 7 July 1, 2003.

8 DIVISION IV

9 WORKFORCE-RELATED ISSUES

10 Sec. 22. Section 260C.18A, subsection 2,
 11 unnumbered paragraph 1, subsection 4, paragraph e,

12 subsection 6, paragraph d, and subsection 7, as
13 published in Code Supplement 2003, are reaffirmed and
14 reenacted in accordance with the provisions' enactment
15 in 2003 Iowa Acts, First Extraordinary Session,
16 chapter 2, section 76, including the following
17 amendments to section 260C.18A:

18 1. 2004 Iowa Acts, Senate File 2298, section 330.

19 2. 2004 Iowa Acts, Senate File 2298, section 331.

20 3. 2004 Iowa Acts, Senate File 2298, section 370.

21 Sec. 23. Section 260C.18A, Code Supplement 2003,
22 as reaffirmed and reenacted in part by this division
23 of this Act, is amended by adding the following new
24 subsection:

25 NEW SUBSECTION. 9. This section is repealed
26 effective July 1, 2010.

27 Sec. 24. Section 260F.9, Code Supplement 2003, is
28 amended by adding the following new subsection:

29 NEW SUBSECTION. 4. This section is repealed
30 effective July 1, 2010.

31 Sec. 25. Section 260F.10, as published in Code
32 Supplement 2003, is reaffirmed and reenacted in
33 accordance with its enactment in 2003 Iowa Acts, First
34 Extraordinary Session, chapter 2, section 78.

35 Sec. 26. Section 260F.10, as reaffirmed and
36 reenacted by this division of this Act, is amended by
37 adding the following new unnumbered paragraph:

38 NEW UNNUMBERED PARAGRAPH. This section is repealed
39 effective July 1, 2010.

40 Sec. 27. Section 260G.3, subsection 2, unnumbered
41 paragraph 1, Code Supplement 2003, is amended to read
42 as follows:

43 An agreement may include reasonable and necessary
44 provisions to implement the accelerated career
45 education program. If an agreement ~~that utilizes~~
46 ~~program job credits~~ is entered into, the community
47 college and the employer shall notify the department
48 of revenue as soon as possible. The community college
49 shall also file a copy of the agreement with the
50 department of economic development as required in

Page 10

1 section 260G.4B. The agreement shall provide for
2 program costs, including deferred costs, which may be
3 paid from any of the following sources:

4 Sec. 28. Section 260G.3, subsection 2, paragraph
5 e, Code Supplement 2003, is amended to read as
6 follows:

7 e. Moneys from a workforce training and economic
8 development fund created in section 260C.18A, based on
9 the number of program job positions agreed to by the
10 employer to be available under the agreement, the

11 amount of which shall be calculated in the same manner
 12 as the program job credits provided for in section
 13 260G.4A. This paragraph is repealed July 1, 2010.
 14 Sec. 29. Section 260G.10, as published in Code
 15 Supplement 2003, is reaffirmed and reenacted in
 16 accordance with its enactment in 2003 Iowa Acts, First
 17 Extraordinary Session, chapter 2, section 80.
 18 Sec. 30. Section 260G.10, as reaffirmed and
 19 reenacted by this division of this Act, is amended by
 20 adding the following new unnumbered paragraph:
 21 NEW UNNUMBERED PARAGRAPH. This section is repealed
 22 effective July 1, 2010.
 23 Sec. 31. 2003 Iowa Acts, First Extraordinary
 24 Session, chapter 2, section 93, is repealed.
 25 Sec. 32. EFFECTIVE DATE AND RETROACTIVE
 26 APPLICABILITY PROVISIONS.
 27 1. Except as otherwise provided in subsections 2
 28 and 3, this division of this Act, being deemed of
 29 immediate importance, takes effect upon enactment, and
 30 the reaffirmation and reenactment of 2004 Iowa Acts,
 31 Senate File 2298, section 370, is retroactively
 32 applicable to July 1, 2003.
 33 2. The reaffirmation and reenactment of 2004 Iowa
 34 Acts, Senate File 2298, sections 330 and 331, being
 35 deemed of immediate importance, takes effect upon
 36 enactment, and is retroactively applicable to May 17,
 37 2004.
 38 3. The amendment in this division of this Act to
 39 section 260G.3, subsection 2, unnumbered paragraph 1,
 40 takes effect July 1, 2010.

41 DIVISION V

42 VALUE-ADDED AGRICULTURAL PRODUCTS AND 43 PROCESSES FINANCIAL ASSISTANCE PROGRAM (VAAPPFAP)

44 Sec. 33. The amendments to section 15E.111,
 45 subsection 1, contained in 2003 Iowa Acts, First
 46 Extraordinary Session, chapter 1, sections 87 and 133,
 47 as published in Code Supplement 2003, pertaining to
 48 the value-added agricultural products and processes
 49 financial assistance program, are reaffirmed and
 50 reenacted.

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1 Sec. 34. Section 15E.111, subsection 1, paragraph
 2 a, subparagraph (5), Code Supplement 2003, as
 3 reaffirmed and reenacted in this division of this Act,
 4 is amended to read as follows:
 5 (5) Producer-owned, value-added businesses,
 6 education of producers and management boards in value-
 7 added businesses, and other activities that would
 8 support the infrastructure in the development of
 9 value-added agriculture. ~~Public~~; and public and

10 private joint ventures involving an institution of
 11 higher learning under the control of the state board
 12 of regents or a private college or university ~~to~~
 13 ~~acquire~~ acquiring assets, research facilities, and
 14 leverage moneys in a manner that meets the goals of
 15 the grow Iowa values fund. For purposes of this
 16 subsection, “producer-owned, valued-added business”
 17 means a person who holds an equity interest in the
 18 agricultural business and is personally involved in
 19 the production of crops or livestock on a regular,
 20 continuous, and substantial basis.

21 Sec. 35. Section 15E.111, subsection 1, as
 22 reaffirmed and reenacted in this division of this Act,
 23 is amended by adding the following new paragraph:
 24 NEW PARAGRAPH. c. The amendments to this
 25 subsection, as reaffirmed and reenacted in this Act,
 26 are repealed effective July 1, 2010.

27 Sec. 36. EFFECTIVE DATE AND RETROACTIVE
 28 APPLICABILITY PROVISIONS. This division of this Act,
 29 being deemed of immediate importance, takes effect
 30 upon enactment, and is retroactively applicable to
 31 July 1, 2003.

DIVISION VI

ENDOW IOWA GRANTS

34 Sec. 37. The following provisions, as published in
 35 Iowa Code Supplement 2003, pertaining to endow Iowa
 36 grants, are reaffirmed and reenacted:

- 37 1. Section 15E.301.
- 38 2. Section 15E.302.
- 39 3. Section 15E.303.
- 40 4. Section 15E.304.
- 41 5. Section 15E.306.
- 42 6. Section 422.11H.
- 43 7. Section 422.33, subsection 14.
- 44 8. Section 422.60, subsection 7.
- 45 9. Section 432.12D.
- 46 10. Section 533.24, subsection 5.

47 Sec. 38. NEW SECTION. 15E.307 ENDOW IOWA GRANTS
 48 AND TAX CREDIT — REPEAL.

49 This division is repealed effective July 1, 2010.

50 Sec. 39. Section 422.11H, Code Supplement 2003, as

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- 1 reaffirmed and reenacted by this division of this Act,
- 2 is amended by adding the following new unnumbered
- 3 paragraph:
- 4 NEW UNNUMBERED PARAGRAPH. This section is repealed
- 5 effective July 1, 2010.
- 6 Sec. 40. Section 422.33, subsection 14, Code
- 7 Supplement 2003, as reaffirmed and reenacted by this
- 8 division of this Act, is amended by adding the

9 following new unnumbered paragraph:
 10 NEW UNNUMBERED PARAGRAPH. This subsection is
 11 repealed effective July 1, 2010.
 12 Sec. 41. Section 422.60, subsection 7, Code
 13 Supplement 2003, as reaffirmed and reenacted by this
 14 division of this Act, is amended by adding the
 15 following new unnumbered paragraph:
 16 NEW UNNUMBERED PARAGRAPH. This subsection is
 17 repealed effective July 1, 2010.
 18 Sec. 42. Section 432.12D, Code Supplement 2003, as
 19 reaffirmed and reenacted by this division of this Act,
 20 is amended by adding the following new unnumbered
 21 paragraph:
 22 NEW UNNUMBERED PARAGRAPH. This section is repealed
 23 effective July 1, 2010.
 24 Sec. 43. Section 533.24, subsection 5, Code
 25 Supplement 2003, as reaffirmed and reenacted by this
 26 division of this Act, is amended by adding the
 27 following new unnumbered paragraph:
 28 NEW UNNUMBERED PARAGRAPH. This subsection is
 29 repealed effective July 1, 2010.
 30 Sec. 44. EFFECTIVE DATE AND RETROACTIVE
 31 APPLICABILITY PROVISIONS. This division of this Act,
 32 being deemed of immediate importance, takes effect
 33 upon enactment, and is retroactively applicable to
 34 January 1, 2003, for tax years beginning on or after
 35 that date.

36 DIVISION VII

37 COMMERCIALIZATION OF RESEARCH ISSUES

38 Sec. 45. The following provisions, as published in
 39 Iowa Code Supplement 2003, pertaining to
 40 commercialization of research issues, are reaffirmed
 41 and reenacted:
 42 1. Section 262.9, subsection 31.
 43 2. The amendment to section 262B.1.
 44 3. The amendment to section 262B.2.
 45 4. The amendment to section 262B.3.
 46 5. The amendment to section 262B.5.
 47 Sec. 46. Section 262.9, subsection 31, Code
 48 Supplement 2003, as reaffirmed and reenacted by this
 49 division of this Act, is amended by adding the
 50 following new unnumbered paragraph:

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1 NEW UNNUMBERED PARAGRAPH. This subsection is
 2 repealed effective July 1, 2010.
 3 Sec. 47. NEW SECTION. 262B.4 DUTIES OF THE
 4 CONSORTIUM.
 5 1. Each consortium shall assist the university in
 6 efforts to maximize the economic benefits outlined in
 7 section 262B.2. More specifically, it shall assist

8 the university by making recommendations for:
9 a. The development of strategies and materials
10 useful in marketing university resources to out-of-
11 state firms interested in an Iowa site.
12 b. Matching university resources with the needs of
13 existing Iowa firms.
14 c. Evaluation of university research for
15 commercial potential.
16 d. The development of a plan that will improve
17 private sector access to the university and the
18 transfer of technology from the university to the
19 private sector.
20 2. In order to carry out its objectives the
21 consortium shall perform, but is not limited to, the
22 following tasks:
23 a. Receive and review selected research synopses.
24 b. Disseminate information on research activities
25 of the university.
26 c. Identify research needs of existing Iowa
27 businesses and recommend ways in which the university
28 can meet these needs.
29 d. On a case-by-case basis, suggest business and
30 financial tactics useful in realizing the commercial
31 potential of university research projects.
32 e. Provide applied technical referral services, if
33 appropriate, including but not limited to the
34 following duties:
35 (1) To determine and evaluate the research or
36 applied technology needs of businesses and farms
37 requesting assistance.
38 (2) To recommend technology transfer strategies to
39 farms for more efficient production of agricultural
40 commodities, or to businesses for developing and
41 testing new products, adapting new technologies to
42 manufacturing processes or methods, conducting
43 marketing analyses of new products or processes, and
44 identifying potential financing on new technology-
45 based products or manufacturing processes.
46 (3) To refer businesses and farmers to
47 universities, community colleges, small business
48 development centers, other private businesses, and
49 other research and technology transfer activities and
50 programs which are beneficial to the development of

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1 new products and the application of technology.
2 Sec. 48. NEW SECTION. 262B.7 REPEAL.
3 The amendments to sections 262B.1, 262B.2, 262B.3,
4 and 262B.5, and this section are repealed effective
5 July 1, 2010.
6 Sec. 49. Section 262B.4, Code 2003, is repealed.

7 Sec. 50. EFFECTIVE DATE AND RETROACTIVE
8 APPLICABILITY PROVISIONS.

9 1. This division of this Act, being deemed of
10 immediate importance, takes effect upon enactment, and
11 is retroactively applicable to July 1, 2003.

12 2. New section 262B.4, replacing repealed section
13 262B.4, takes effect July 1, 2010.

14 DIVISION VIII

15 LOAN AND CREDIT GUARANTEE FUND

16 Sec. 51. The following provisions, as published in
17 Iowa Code Supplement 2003, pertaining to the economic
18 development loan and credit guarantee fund, are
19 reaffirmed and reenacted:

20 1. Section 15E.221.

21 2. Section 15E.222.

22 3. Section 15E.223.

23 4. Section 15E.224.

24 5. Section 15E.225.

25 6. Section 15E.226.

26 7. Section 15E.227, subsection 2, paragraph “c”.

27 Sec. 52. NEW SECTION. 15E.228 LOAN AND CREDIT
28 GUARANTEE FUND — REPEAL.

29 This division is repealed effective July 1, 2010.

30 Sec. 53. EFFECTIVE DATE AND RETROACTIVE
31 APPLICABILITY PROVISIONS. This division of this Act,
32 being deemed of immediate importance, takes effect
33 upon enactment, and is retroactively applicable to
34 July 1, 2003.

35 DIVISION IX

36 ECONOMIC ASSISTANCE AND DATA COLLECTION

37 Sec. 54. Section 15E.20, as published in Iowa Code
38 Supplement 2003, pertaining to business start-up
39 information, is reaffirmed and reenacted.

40 Sec. 55. Section 15E.20, Code Supplement 2003, as
41 reaffirmed and reenacted by this division of this Act,
42 is amended by adding the following new unnumbered
43 paragraph:

44 NEW UNNUMBERED PARAGRAPH. This section is repealed
45 effective July 1, 2010.

46 Sec. 56. INTERNET WEB SITE DEVELOPMENT. In
47 developing the internet web site required in section
48 15E.20, the department of economic development shall
49 examine similar efforts in other states and
50 incorporate the best practices.

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1 Sec. 57. EFFECTIVE DATE AND RETROACTIVE
2 APPLICABILITY PROVISIONS. This division of this Act,
3 being deemed of immediate importance, takes effect
4 upon enactment, and is retroactively applicable to
5 July 1, 2003.

6 DIVISION X
 7 CULTURAL AND ENTERTAINMENT DISTRICTS
 8 Sec. 58. Section 303.3B, as published in Iowa Code
 9 Supplement 2003, pertaining to cultural and
 10 entertainment districts, is reaffirmed and reenacted.

11 Sec. 59. Section 303.3B, Code Supplement 2003, as
 12 reaffirmed and reenacted by this division of this Act,
 13 is amended by adding the following new subsection:
 14 NEW SUBSECTION. 4. This section is repealed
 15 effective July 1, 2010.

16 Sec. 60. EFFECTIVE DATE AND RETROACTIVE
 17 APPLICABILITY PROVISIONS. This division of this Act,
 18 being deemed of immediate importance, takes effect
 19 upon enactment, and is retroactively applicable to
 20 July 1, 2003.

21 DIVISION XI
 22 UNIVERSITY-BASED RESEARCH UTILIZATION PROGRAM

23 Sec. 61. The following provisions, as published in
 24 Iowa Code Supplement 2003, pertaining to the
 25 university-based research utilization program, are
 26 reaffirmed and reenacted:

- 27 1. Section 262B.11.
- 28 2. Section 262B.12.
- 29 3. Section 422.11I.
- 30 4. Section 422.33, subsection 15.

31 Sec. 62. Section 262B.11, subsections 1, 2, 3, and
 32 4, Code Supplement 2003, as reaffirmed and reenacted
 33 by this division of this Act, are amended to read as
 34 follows:

35 1. The department of economic development shall
 36 establish and administer a university-based research
 37 utilization program for purposes of encouraging the
 38 utilization of university-based research, primarily in
 39 the area of high technology, in new or existing
 40 businesses. The program shall include the three
 41 universities under the control of the state board of
 42 regents, community colleges established under chapter
 43 260C, and all accredited private universities located
 44 in the state. For purposes of this section,
 45 “educational institution” means a university under the
 46 control of the state board of regents, a community
 47 college established under chapter 260C, or an
 48 accredited private university located in the state.

49 2. A new or existing business that utilizes a
 50 technology developed by an employee at a ~~university~~

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1 ~~under the control of the state board of regents an~~
 2 ~~educational institution~~ may apply to the department of
 3 economic development for approval to participate in
 4 the university-based research utilization program.

5 The department shall approve an applicant if the
6 applicant meets all of the following criteria:
7 a. The applicant utilizes a technology developed
8 by an employee at ~~a university under the control of~~
9 ~~the state board of regents~~ an educational institution,
10 provided that the technology has received a patent
11 after July 1, 2003. If the applicant has been in
12 existence more than one year prior to applying, the
13 applicant shall organize a separate company to utilize
14 the technology. For purposes of this section, the
15 separate company shall be considered the applicant
16 and, if approved, the approved business.
17 b. The applicant develops a five-year business
18 plan approved by the department. The plan shall
19 include information concerning the applicant's Iowa
20 employment goals and projected impact on the Iowa
21 economy. The department shall only approve plans
22 showing sufficient potential impact on Iowa employment
23 and economic development.
24 c. The applicant meets a minimum-size business
25 standard determined by the department.
26 d. The applicant provides annual reports to the
27 department that include employment statistics for the
28 applicant and the total taxable wages paid to Iowa
29 employees and reported to the department of revenue
30 pursuant to section 422.16.
31 3. A business approved under the program and the
32 ~~university~~ employee of an educational institution
33 responsible for the development of the technology
34 utilized by the approved business shall be eligible
35 for a tax credit. The credit shall be allowed against
36 the taxes imposed in chapter 422, divisions II and
37 III. An individual may claim a tax credit under this
38 section of a partnership, limited liability company, S
39 corporation, estate, or trust electing to have income
40 taxed directly to the individual. The amount claimed
41 by the individual shall be based upon the pro rata
42 share of the individual's earnings from the
43 partnership, limited liability company, S corporation,
44 estate, or trust. A tax credit shall not be claimed
45 under this subsection unless a tax credit certificate
46 issued by the department of economic development is
47 attached to the taxpayer's tax return for the tax year
48 for which the tax credit is claimed. The amount of a
49 tax credit allowed under this subsection shall equal
50 the amount listed on a tax credit certificate issued

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1 by the department of economic development pursuant to
2 subsection 4. A tax credit certificate shall not be
3 transferable. Any tax credit in excess of the

4 taxpayer's liability for the tax year may be credited
5 to the taxpayer's tax liability for the following five
6 years or until depleted, whichever occurs first. A
7 tax credit shall not be carried back to a tax year
8 prior to the tax year in which the taxpayer redeems
9 the tax credit.

10 4. For the five tax years following the tax year
11 in which a business is approved under the program, the
12 department of revenue shall provide the department of
13 economic development with information required by the
14 department of economic development from each tax
15 return filed by the approved business. Upon receiving
16 the tax return-related information, the department of
17 economic development shall do all of the following:

18 a. Review the information provided by the
19 department of revenue pursuant to this subsection and
20 the annual report submitted by the applicant pursuant
21 to subsection 2, paragraph "d". If the department
22 determines that the business activities of the
23 applicant are not providing the benefits to Iowa
24 employment and economic development projected in the
25 applicant's approved five-year business plan, the
26 department shall not issue tax credit certificates for
27 that year to the applicant or ~~university~~ employee of
28 an educational institution and shall determine if
29 related university share to be equal to zero for that
30 year.

31 b. Effective for the fiscal year beginning July 1,
32 2004, and for subsequent fiscal years, issue a tax
33 credit certificate to the approved business and the
34 ~~university~~ employee of an educational institution
35 responsible for the development of the technology
36 utilized by the approved business in an amount
37 determined pursuant to subsection 5. A tax credit
38 certificate shall contain the taxpayer's name,
39 address, tax identification number, the amount of the
40 tax credit, and other information required by the
41 department of revenue.

42 c. (1) ~~Determine~~ If the educational institution
43 at issue is a university under the control of the
44 state board of regents, determine the university share
45 which is equal to the value of thirty percent of the
46 tax liability of the approved business for purposes of
47 making an appropriation pursuant to section 262B.12,
48 to the university where the technology utilized by the
49 approved business was developed. A university share
50 shall not exceed two hundred twenty-five thousand

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1 dollars per year per technology utilized. For each
2 technology utilized, the aggregate university share

3 over a five-year period shall not exceed six hundred
4 thousand dollars.

5 (2) The department shall maintain records for each
6 university during each fiscal year regarding the
7 university share each university is entitled to
8 receive through the appropriation in section 262B.12.
9 A university shall be entitled to receive the total
10 university share for that particular university during
11 the previous fiscal year.

12 d. For the fiscal year beginning July 1, 2004, not
13 more than two million dollars worth of certificates
14 shall be issued pursuant to paragraph “b”. For the
15 fiscal year beginning July 1, 2005, and every fiscal
16 year thereafter, not more than ten million dollars
17 worth of certificates shall be issued pursuant to
18 paragraph “b”.

19 Sec. 63. Section 262B.11, subsection 5, paragraph
20 b, Code Supplement 2003, as reaffirmed and reenacted
21 by this division of this Act, is amended to read as
22 follows:

23 b. For the ~~university~~ employee of an educational
24 institution responsible for the development of the
25 technology utilized by the approved business, the
26 value of the tax credit certificate shall equal ten
27 percent of the tax liability of the approved business.
28 If more than one employee is responsible for the
29 development of the technology, the value equal to ten
30 percent of the tax liability of the approved business
31 shall be divided equally and individual tax credit
32 certificates shall be issued to each employee
33 responsible for the development of the technology.
34 Each year, the total value of a certificate or
35 certificates issued for a utilized technology shall
36 not exceed seventy-five thousand dollars. For each
37 technology utilized, the total aggregate value of
38 certificates issued over a five-year period to the
39 ~~university~~ employee of an educational institution
40 responsible for the development of the technology
41 shall not exceed two hundred thousand dollars.

42 Sec. 64. Section 262B.11, Code Supplement 2003, as
43 reaffirmed, reenacted, and amended by this division of
44 this Act, is amended by adding the following new
45 subsection:

46 NEW SUBSECTION. 7. This section is repealed
47 effective July 1, 2010.

48 Sec. 65. Section 262B.12, Code 2003, is amended by
49 adding the following new unnumbered paragraph:

50 NEW UNNUMBERED PARAGRAPH. This section is repealed

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1 effective July 1, 2010.

2 Sec. 66. Section 422.11I, Code Supplement 2003, as
3 reaffirmed and reenacted by this division of this Act,
4 is amended by adding the following new unnumbered
5 paragraph:

6 NEW UNNUMBERED PARAGRAPH. This section is repealed
7 effective July 1, 2010.

8 Sec. 67. Section 422.33, subsection 15, Code
9 Supplement 2003, as reaffirmed and reenacted by this
10 division of this Act, is amended by adding the
11 following new unnumbered paragraph:

12 NEW UNNUMBERED PARAGRAPH. This subsection is
13 repealed effective July 1, 2010.

14 Sec. 68. 2004 Iowa Acts, House File 2431, is
15 repealed.

16 Sec. 69. EFFECTIVE DATE AND RETROACTIVE
17 APPLICABILITY PROVISIONS.

18 1. The section of this division of this Act
19 reaffirming and reenacting sections 262B.11, 262B.12,
20 422.11I, and 422.33, subsection 15, being deemed of
21 immediate importance, takes effect upon enactment, and
22 applies retroactively to July 1, 2003.

23 2. The section of this division of this Act
24 amending section 262B.11, as reaffirmed and reenacted
25 by this division of this Act, and the sections of this
26 division of this Act not addressed in subsection 1,
27 being deemed of immediate importance, take effect upon
28 enactment.

29 DIVISION XII

30 UNEMPLOYMENT COMPENSATION SURCHARGE

31 Sec. 70. The following provisions, as published in
32 Iowa Code Supplement 2003, pertaining to the
33 unemployment compensation surcharge, are reaffirmed
34 and reenacted:

35 1. Section 96.7, subsection 12, paragraph “a”,
36 including the amendment to the paragraph made in 2004
37 Iowa Acts, House File 2208, section 21.

38 2. Section 96.7, subsection 12, paragraph “d”.

39 Sec. 71. EFFECTIVE DATE AND RETROACTIVE
40 APPLICABILITY PROVISIONS. This division of this Act,
41 being deemed of immediate importance, takes effect
42 upon enactment, and is retroactively applicable to
43 July 1, 2003.

44

45

46 DIVISION XIII

47 ECONOMIC DEVELOPMENT

48 Sec. 72. The following provisions, as published in
49 Iowa Code Supplement 2003, pertaining to economic
50 development, are reaffirmed and reenacted:

50 1. Section 15E.18.

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1 2. Section 15E.19.
 2 Sec. 73. EFFECTIVE DATE AND RETROACTIVE
 3 APPLICABILITY PROVISIONS. This division of this Act,
 4 being deemed of immediate importance, takes effect
 5 upon enactment, and is retroactively applicable to
 6 July 1, 2003.

7 DIVISION XIV

8 REHABILITATION PROJECT TAX CREDITS
 9 Sec. 74. Section 404A.4, subsection 4, as
 10 published in Code Supplement 2003, is reaffirmed and
 11 reenacted, including the amendments in 2004 Iowa Acts,
 12 House File 401, section 1, and Senate File 2298,
 13 section 395.

14 Sec. 75. Section 404A.4, subsection 4, as
 15 reaffirmed and reenacted by this division of this Act,
 16 is amended by adding the following new unnumbered
 17 paragraph:

18 NEW UNNUMBERED PARAGRAPH. This subsection is
 19 repealed effective July 1, 2010.”

20 2. Title page, by striking lines 1 through 3 and
 21 inserting the following: “An Act relating to
 22 regulatory, taxation, and statutory requirements
 23 affecting individuals and business relating to
 24 economic development and unemployment contribution
 25 surcharges, making appropriations,”.

MICHAEL E. GRONSTAL
 DARYL BEALL
 DENNIS H. BLACK
 JOE BOLKCOM
 THOMAS G. COURTNEY
 WILLIAM A. DOTZLER, JR.
 ROBERT E. DVORSKY
 GENE FRAISE
 JACK HATCH
 JACK HOLVECK
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 JOHN P. KIBBIE
 KEITH A. KREIMAN
 MATT W. McCOY
 HERMAN C. QUIRMBACH
 AMANDA RAGAN
 JOE M. SENG
 ROGER STEWART
 STEVE WARNSTADT

S-5410

- 1 Amend Senate File 2312 as follows:
 2 1. By striking page 3, line 18, through page 9,

3 line 23, and inserting the following:

4 “Sec. __. Section 85.70, Code 2003, is amended to
5 read as follows:

6 85.70 ADDITIONAL PAYMENT FOR ATTENDANCE.

7 An employee who has sustained an injury resulting
8 in permanent partial or permanent total disability,
9 for which compensation is payable under this chapter,
10 and who cannot return to gainful employment because of
11 such disability, shall upon application to and
12 approval by the workers’ compensation commissioner be
13 entitled to a ~~twenty-dollar~~ one hundred dollar weekly
14 payment from the employer in addition to any other
15 benefit payments, during each full week in which the
16 employee is actively participating in a vocational
17 rehabilitation program recognized by the vocational
18 rehabilitation services division of the department of
19 education. The workers’ compensation commissioner’s
20 approval of such application for payment may be given
21 only after a careful evaluation of available facts,
22 and after consultation with the employer or the
23 employer’s representative. Judicial review of the
24 decision of the workers’ compensation commissioner may
25 be obtained in accordance with the terms of the Iowa
26 administrative procedure Act and in section 86.26.
27 Such additional benefit payment shall be paid for a
28 period not to exceed thirteen consecutive weeks except
29 that the workers’ compensation commissioner may extend
30 the period of payment not to exceed an additional
31 thirteen weeks if the circumstances indicate that a
32 continuation of training will in fact accomplish
33 rehabilitation.”

34 2. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.

S-5411

1 Amend Senate File 2312 as follows:

2 1. Page 6, line 7, by inserting after the word
3 “employment.” the following: “The general assembly
4 intends that changes in the identity of the employee’s
5 employer that do not require the employee to reenter
6 the competitive labor market will be treated as if the
7 employee remained employed by the same employer.”

8 2. Page 6, by inserting after line 7, the
9 following:

10 “d. It is the intent of the general assembly that
11 employees receive full compensation for all
12 disabilities that arise out of and in the course of
13 employment. If an employee sustains successive
14 unscheduled injuries or successive injuries to the
15 same scheduled member while working for the same

16 employer, the employer shall be allowed a limited
 17 credit to the extent of compensation that the employer
 18 paid under the same paragraph of section 85.34,
 19 subsection 2, for the previous injury. This credit
 20 applies only to successive injuries that arise out of
 21 and in the course of employment with the same employer
 22 and the credit is allowed only if that employer has
 23 previously paid compensation to the employee. This
 24 credit does not apply to successive injuries with
 25 different employers because the marketplace has
 26 already made adjustments for the employee's prior
 27 disability at the time that the employee is hired.
 28 e. This subsection does not alter second injury
 29 fund benefits under section 85.64, benefits paid for
 30 permanent total disability under section 85.34,
 31 subsection 3, the compensable character of aggravation
 32 injuries, or the distinction between scheduled and
 33 unscheduled disabilities.”

WILLIAM A. DOTZLER, JR.

S-5412

1 Amend Senate File 2312 as follows:
 2 1. Page 14, by inserting after line 6 the
 3 following:
 4 “DIVISION ____
 5 MILITARY FAMILY RELIEF ENDOWMENT FUND
 6 APPROPRIATION
 7 Sec. ____ NEW SECTION. 29.4 MILITARY FAMILY
 8 RELIEF ENDOWMENT FUND.
 9 1. A military family relief endowment fund is
 10 created as a separate and distinct fund in the state
 11 treasury under the control of the department of public
 12 defense.
 13 2. Revenue for the military family relief
 14 endowment fund shall include, but is not limited to,
 15 the following:
 16 a. Moneys credited to the fund pursuant to an
 17 appropriation by the general assembly.
 18 b. Moneys in the form of a devise, gift, bequest,
 19 donation, or federal or other grant intended to be
 20 used for the purposes of the fund.
 21 3. Moneys in the military family relief endowment
 22 fund are not subject to section 8.33. Notwithstanding
 23 section 12C.7, subsection 2, interest or earnings on
 24 moneys in the fund shall be credited to the fund.
 25 Interest earned and credited to the fund may be used
 26 for the purposes specified in subsection 4. Any
 27 nondistributed interest in a fiscal year shall first
 28 be applied to the Iowa veterans surplus fund.
 29 4. Moneys in the military family relief endowment

30 fund are appropriated to the department of public
31 defense to be used to make grants to families of
32 persons who are members of the Iowa national guard or
33 Iowa residents who are members of the reserve forces
34 of the armed forces of the United States and who have
35 been called to active duty since September 11, 2001.
36 Grants shall be provided on the basis of need. The
37 family shall document to the extent required by the
38 department a need for financial assistance for
39 clothing, food, housing, utilities, medical services
40 or prescriptions, insurance payments, vehicle
41 payments, or other related necessities of daily living
42 while the qualified individual is on active duty or
43 has a service-related injury or illness.

44 5. The department of public defense shall
45 establish eligibility criteria for the grants by rule.

46 Sec. ____ APPROPRIATION. There is appropriated
47 from the general fund of the state to the military
48 family relief endowment fund for the fiscal year
49 beginning July 1, 2004, and ending June 30, 2005, the
50 sum of \$15,000,000 for purposes of the fund.

Page 2

1 Sec. ____ EFFECTIVE DATE. This division of this
2 Act, being deemed of immediate importance, takes
3 effect upon enactment.”

4 2. Page 15, line 6, by inserting after the word
5 “purposes,” the following: “but only”.

6 3. Page 15, line 7, by striking the word and
7 figure “May 5” and inserting the following: “October
8 1”.

9 4. Page 15, by inserting after line 7, the
10 following: “For property acquired after May 5, 2003,
11 and on or before October 1, 2003, if the taxpayer has
12 taken the deduction allowed in section 168(k)(4), as
13 enacted by Pub. L. No. 108–27, in computing federal
14 adjusted gross income, the adjustments in paragraph
15 “a” shall be made.”

16 5. Page 16, line 4, by inserting after the word
17 “purposes,” the following: “but only”.

18 6. Page 16, line 5, by striking the word and
19 figure “May 5” and inserting the following: “October
20 1”.

21 7. Page 16, by inserting after line 5, the
22 following: “For property acquired after May 5, 2003,
23 and on or before October 1, 2003, if the taxpayer has
24 taken the deduction allowed in section 168(k)(4), as
25 enacted by Pub. L. No. 108–27, in computing federal
26 adjusted gross income, the adjustments in paragraph
27 “a” shall be made.”

28 8. Title page, line 4, by inserting after the
 29 word “surcharges,” the following: “military family
 30 relief.”.

KEITH A. KREIMAN
 DARYL BEALL

S-5413

1 Amend Senate File 2312 as follows:

2 1. By striking page 4, line 27 through page 6,
 3 line 9.

4 2. Page 7, by inserting after line 1, the
 5 following:

6 “Sec. ____ NEW SECTION. 85.73 SUCCESSIVE INJURY
 7 COMPENSATION FUND.

8 This division shall be known and referred to as the
 9 “Successive Injury Compensation Fund”.

10 Sec. ____ NEW SECTION. 85.74 PAYOUT OUT OF FUND.

11 If an employee, who has previously sustained an
 12 injury arising out of and in the course of employment
 13 which results in permanent partial disability for
 14 which the employee has received compensation pursuant
 15 to the terms of section 85.34, subsection 2, and
 16 subsequently sustains an injury which is compensable
 17 under the terms of section 85.34, subsection 2,
 18 paragraph “u”, the employer shall be liable only for
 19 the degree of industrial disability which would have
 20 resulted from the present injury if there had been no
 21 preexisting disability. In addition to such
 22 compensation, and after the expiration of the full
 23 period provided by law for the payments thereof by the
 24 employer, the employee shall be paid out of the
 25 successive injury compensation fund created by this
 26 division the remainder of such compensation to which
 27 the employee is entitled for the combined effect of
 28 permanent partial disabilities caused by the
 29 employee’s injuries.

30 Sec. ____ NEW SECTION. 85.75 ESTABLISHMENT OF
 31 FUND — CUSTODIAN.

32 The successive injury compensation fund is hereby
 33 established under the custody of the treasurer of
 34 state and shall consist of an annual appropriation
 35 from the general fund of the state and any accumulated
 36 interest and earnings on moneys in the successive
 37 injury compensation fund. The treasurer of state is
 38 charged with conservation of the assets of the
 39 successive injury compensation fund. Moneys in the
 40 successive injury compensation fund shall be disbursed
 41 only for the purposes stated in this division, and
 42 shall not at any time be appropriated or diverted to
 43 any other use or purpose. The treasurer of state

44 shall invest any surplus moneys of the fund in
45 securities which constitute legal investments for
46 state funds under the laws of this state, and may sell
47 any of the securities in which the fund is invested,
48 if necessary, for the proper administration or the
49 best interests of the fund. Disbursements from the
50 fund shall be paid by the treasurer of state only upon

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1 the written order of the workers' compensation
2 commissioner. The treasurer of state shall quarterly
3 prepare a statement of the fund, setting forth the
4 balance of moneys in the fund, the income of the fund,
5 specifying the source of all income, specifying
6 payments out of the fund, specifying various items of
7 payment, and setting forth the balance remaining to
8 the credit of the fund. The statement shall be open
9 to public inspection in the office of the treasurer of
10 state.

11 Sec. __. NEW SECTION. 85.76 REPRESENTATION OF
12 FUND — COUNSEL — PAYMENT OF AWARD.

13 The attorney general shall appoint a staff member
14 to represent the treasurer of state and the fund in
15 all proceedings and matters arising under this
16 division. In making an award under this division, the
17 workers' compensation commissioner shall specifically
18 find the amount the injured employee shall be paid
19 weekly, the number of weeks of compensation which
20 shall be paid by the employer, the date upon which
21 payments out of the fund shall begin, and, if
22 possible, the length of time the payments shall
23 continue.

24 Sec. __. NEW SECTION. 85.77 FEDERAL
25 CONTRIBUTIONS.

26 The treasurer of state is hereby authorized to
27 receive and credit to the successive injury
28 compensation fund any sum or sums that may at any time
29 be contributed to the state by the United States or
30 any agency thereof, under any Act of Congress or
31 otherwise, to which the state may be or become
32 entitled by reason of any payments made out of the
33 fund to any person with a previous disability."

34 3. Page 7, lines 29 and 30, by striking the
35 figures and word "85.27, 85.34, 85.36, and 85.70" and
36 inserting the following: "85.27 and 85.70, enacting
37 sections 85.73 through 85.77".

38 4. By striking page 8, line 5, through page 9,
39 line 23.

40 5. By renumbering as necessary.

**EIGHTIETH GENERAL ASSEMBLY
2004 EXTRAORDINARY SESSION**

SENATE CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 119: filed September 7, 2004; adopted by the Senate on September 7, 2004; adopted by the House on September 7, 2004.

1 SENATE CONCURRENT RESOLUTION 119
2 By: Committee on Rules and Administration
3 A concurrent resolution to provide for
4 adjournment sine die.
5 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
6 REPRESENTATIVES CONCURRING, That when adjournment is
7 had on Tuesday, September 7, 2004 it be the final
8 adjournment of the 2004 Extraordinary Session of the
9 Eightieth General Assembly.

SENATE RESOLUTIONS

SENATE RESOLUTION 181: filed September 7, 2004; adopted by the Senate on September 7, 2004.

1 SENATE RESOLUTION 181
2 By: Committee on Rules and Administration
3 A resolution to honor the Meskwaki tribe members who
4 served as Code Talkers in North Africa during World
5 War II and to request that Congress and the President
6 of the United States honor all Code Talkers who served
7 in the United States armed forces.
8 WHEREAS, the languages of several Native American
9 tribes were developed for use as code during both
10 World War I and World War II and members of at least
11 18 tribes participated in the transmission of vital
12 information regarding the location of enemy troops and
13 numbers of enemy guns; and
14 WHEREAS, this code was never broken and the Native
15 American Code Talkers who transmitted the messages are
16 credited with saving the lives of countless numbers of
17 American soldiers; and
18 WHEREAS, these Code Talkers worked under terrible
19 conditions, taking extreme risks to provide the
20 necessary military information for our military forces
21 and sworn to secrecy in the event they were captured;
22 and
23 WHEREAS, eight members of the Meskwaki tribe from
24 Tama County, including Frank Sanache, his brother

25 Willard Sanache, Dewey Youngbear, Edward Benson, Judie
26 Wayne Wabaunasee, Mike Wayne Wabaunasee, Dewey
27 Roberts, and Melvin Twin, served as scouts and Code
28 Talkers for eight companies of their division in North
29 Africa during World War II; and
30 WHEREAS, the last of the Code Talkers from the

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1 Meskwaki tribe, Frank Sanache, who endured terrible
2 hardships both while stationed in North Africa and
3 after being captured by the Germans and held prisoner
4 in a Nazi internment camp in Europe, died in August
5 2004; and

6 WHEREAS, Congress passed legislation in 2000
7 authorizing the issuance of Congressional Medals of
8 Honor to recognize the service of the Navajo Code
9 Talkers, which were presented by the President of the
10 United States in July of 2001, but members of other
11 tribes, such as Frank Sanache and the other Meskwaki
12 Code Talkers, did not receive the same recognition;
13 and

14 WHEREAS, it is fitting and proper that the valiant
15 efforts of all Native American Code Talkers be
16 recognized and honored; NOW THEREFORE,

17 BE IT RESOLVED BY THE SENATE, That the Iowa Senate
18 recognizes the bravery and dedicated service of the
19 Meskwaki Code Talkers and expresses gratitude for the
20 contribution these soldiers made to saving many
21 American lives; and

22 BE IT FURTHER RESOLVED, That the Iowa Senate
23 requests and encourages Congress and the President of
24 the United States to recognize the contributions,
25 bravery, and dedicated service of all Code Talkers,
26 including the eight soldiers from the Meskwaki tribe,
27 in the same manner as the Navajo Code Talkers by
28 awarding them the appropriate medals of honor; and

29 BE IT FURTHER RESOLVED, That, upon adoption, copies
30 of this resolution be sent to the Majority and

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1 Minority Leaders of the United States Senate, the
2 Speaker, Majority Leader, and Minority Leader of the
3 United States House of Representatives, to the members
4 of the Iowa congressional delegation, and to the
5 President of the United States; and

6 BE IT FURTHER RESOLVED, That, upon adoption, copies
7 of this resolution be sent to the families of Frank
8 Sanache and the other Meskwaki tribe members who
9 served as Code Talkers in World War II.

SENATE RESOLUTION 182: filed September 7, 2004; adopted by the Senate on September 7, 2004.

1 SENATE RESOLUTION 182
2 By: Committee on Rules and Administration
3 A resolution recognizing the freedom-loving people of the
4 nation of Poland.
5 WHEREAS, the Senate by resolution has honored the
6 Meskwaki tribe members who served as Code Talkers in
7 North Africa during World War II and has referred to
8 the capture and imprisonment in Europe of one of the
9 tribe members; and
10 WHEREAS, it is necessary and prudent to dispel any
11 interpretation of the Senate's passage of the prior
12 resolution that the Senate infers any responsibility
13 on the part of the Polish people for the atrocities
14 committed by the German Nazis in their imprisonment
15 camps; and
16 WHEREAS, Polish troops fought alongside American
17 troops in numerous battles in Europe during World War
18 II, and today the nations of Poland and the United
19 States are staunch allies in the war on international
20 terrorism; NOW THEREFORE,
21 BE IT RESOLVED BY THE SENATE, That the Senate
22 recognizes the freedom-loving people of the nation of
23 Poland and the people of Polish heritage residing in
24 the United States, the rightful history of the Polish
25 people, and their continual struggle for peace,
26 freedom, and democracy in their own country and
27 abroad; and
28 BE IT FURTHER RESOLVED, That upon passage, an
29 official copy of this resolution be sent to Przemyslaw
30 Grudzinski, Ambassador of the Republic of Poland to

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1 the United States, and to Les S. Kuczynski, National
2 Executive Director of the Polish American Congress.

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Chuck, Hazel — 533, 570, 603, 680, 824

Downing, Craig — 533, 570, 603, 680, 824

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Lagneaux, Susan — 533, 572, 605, 711, 824

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- Bills introduced — 57, 86, 87, 117, 118, 129, 146, 178, 189, 190, 204, 223, 278, 295, 1041, 1124, 1149

GRONSTAL, MICHAEL — continued

Leadership recognition — 1172

Resolutions introduced — 80, 85, 100, 109, 145, 171, 241, 277, 332, 593,
862, 1144

Senate committee appointments — 66

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Senator Beall welcomed Rod Halvorson, former member of Senate — 10

Senator Black welcomed guests from Taipei, Taiwan — 399

Senators Black and Boettger welcomed visitors from Taiwan — 804

Senator Boettger welcomed international visitors from Saskatchewan,
Canada — 184

Senator Boettger welcomed dignitaries from Nigeria — 739

Senator Boettger welcomed visitors from Harlan community schools — 749

Senator Brunkhorst welcomed Jack Ohle, president of Wartburg College,
and members of cross-country and wrestling teams — 928

Senator Connolly welcomed John Walsh, former member of Senate — 808

Senators Courtney and Fraise welcomed members of Southeastern Com-
munity College men's basketball team and coach Joe O'Brien — 953

Senator Dearden welcomed skeet shooter Haley Dunn — 599

Senator Dvorsky welcomed members of Kirkwood Community College
women's volleyball team — 133

Senator Dvorsky introduced nursing leaders from University of Iowa
Hospitals and Clinics — 274

Senator Dvorsky welcomed Les Garner, president of Cornell College — 443

Senator Dvorsky welcomed Norm Nielsen, president of Kirkwood Com-
munity College — 462

Senators Holveck and Tinsman welcomed student winners of the "Write
Women Back into History" essay contest — 488

Senator Holveck welcomed members of Urbandale Senior and Junior
League all star teams — 1077

Senator Horn welcomed Norman Rodgers, former member of Senate — 847

Senator Johnson welcomed Richard Vande Hoef, former member of
Senate, and his wife Harriet — 961

Senators Kibbie and Boettger welcomed the Honorable Pat Breen,
member of Irish Parliament — 566

Senator Kibbie introduced Hilary Hansen, Miss Shamrock 2004 — 567

Senator Lamberti welcomed members of Iowa Telecommunications Asso-
ciation — 124

Senator Lamberti welcomed bagpipers from Drouthy Ducks Pipes and
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Senator Lamberti welcomed Ambassador Mary Kramer, former member
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Senator Lundby welcomed Mark Ackelson of Iowa Natural Heritage
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- Senator McKibben welcomed members of Marshalltown high school swim team — 199
- Senator McKibben welcomed Ben Easter and Billy Aaron Brown, actors raising awareness for Huntington's disease research — 1157
- Senator McKinley welcomed Tulip Time Festival visitors from Pella — 804
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- Senator Miller welcomed Courtney Knupp, 2004 Iowa Pork Queen — 951
- Senator Putney welcomed state fair board staff — 568
- Senator Putney welcomed Meskwaki tribe members — 955
- Senator Redfern welcomed guests from St. Petersburg, Russia — 76
- Senator Redfern welcomed attorney Richard Calkins and his wife Anita — 1078
- Senator Sievers welcomed North Scott Little League team — 618
- Senator Tinsman welcomed John Blong, chancellor of Eastern Iowa Community College District — 869
- Senator Wieck welcomed members of Morningside College women's basketball team — 758

HATCH, JACK — Senator, 33rd District

- Amendments filed — 194, 253, 496, 526, 678, 775, 777, 779, 782, 787, 1060, 1061, 1064, 1100, 1134, 1166, 1855
- Amendments offered — 775, 1060, 1061
- Amendments withdrawn — 678, 775
- Bills introduced — 57, 86, 87, 101, 129, 146, 172, 179, 189, 190, 204, 223, 224, 295
- Certificates of recognition — 97, 98
- Resolutions introduced — 85, 100, 145, 171, 241, 277, 593, 862
- Senate committee appointments — 66
- Statutory appointments — 18

HOLVECK, JACK — Senator, 32nd District

- Amendments filed — 194, 253, 453, 486, 496, 526, 777-779, 781-784, 787, 865, 890, 937, 948, 1060, 1064, 1065, 1100, 1166, 1855
- Amendments offered — 453, 937, 1029
- Amendments withdrawn — 1029
- Bills introduced — 57, 86, 87, 129, 146, 147, 179, 189, 190, 204, 223, 278, 295, 343
- Certificates of recognition — 432, 1116
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- Resolutions introduced — 85, 100, 145, 171, 241, 277, 287, 593, 862, 958, 978
- Senate committee appointments — 66
- Statutory appointments — 96
- Tribute — 874

HORN, WALLY E. — Senator, 17th District

Amendments filed — 194, 253, 526, 777, 779, 782, 942, 1100, 1166, 1855, 1858

Amendments offered — 942

Amendments withdrawn — 942

Bills introduced — 57, 86, 117, 129, 146, 147, 171, 172, 179, 189, 190, 204, 223, 295

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Presentations — 847

Resolutions introduced — 85, 145, 171, 242, 277, 593, 862

Senate committee appointments — 66

HOSCH, JULIE M. — Senator, 16th District

Amendments filed — 238, 903, 947, 1065

Amendments offered — 971

Bills introduced — 110, 119, 137, 213, 359

Certificates of recognition — 98, 144, 401, 523, 539, 575

Resolutions introduced — 241, 242, 593, 795

Senate committee appointments — 66

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Senate File 2066, S-5276 — 905; Senate concurred — 966

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Senate File 2149, S-5214 — 774; Senate concurred — 878

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Senate File 2173, S-5215 — 774; Senate concurred — 811

Senate File 2177, S-5218 — 774; Senate concurred — 879

Senate File 2179, S-5239 — 828; Senate amended and concurred — 990

Senate File 2183, S-5277 — 905; Senate concurred — 1006

Senate File 2208, S-5256 — 867; Senate concurred — 991

Senate File 2209, S-5334 — 1055; Senate concurred — 1085

Senate File 2213, S-5278 — 905; Senate concurred — 963

Senate File 2234, S-5235 — 829; Senate concurred — 880

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Senate File 2269, S-5292 — 950; Senate amended and concurred — 1081

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- House File 2577, S-5385 — 1154; Senate concurred — 1169

HOUSER, HUBERT — Senator, 49th District

- Amendments filed — 840, 914, 1060, 1062
- Amendments offered — 722, 1062, 1133
- Bills introduced — 137, 204, 224, 294
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- Resolutions introduced — 241, 355, 593, 862, 926, 1014, 1108, 1117
- Senate committee appointments — 66
- Statutory appointments — 96

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- Amendments filed — 525
- Appointees, investigation of — 151, 166, 247, 290, 570, 571, 602-604, 680, 681, 860, 861
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- Bills referred to — 57, 72, 86, 87, 101, 137, 146, 163, 171, 172, 179, 180, 189, 190, 228, 260, 285, 294, 311, 373, 430, 431, 481, 522, 560, 598, 612, 616, 641, 664, 673, 745
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IVERSON, STEWART E., JR. — Senator, 5th District; Majority Leader

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Amendments filed — 790

Announcement of appointment — 1866

Bills introduced — 213, 277, 524, 745, 1041, 1124, 1149

Certificates of recognition — 108, 201, 264, 287, 401, 476, 628, 713, 714, 861, 906, 925, 977, 1042

Leadership recognition — 1172

Resolutions introduced — 80, 109, 241, 332, 477, 593, 795, 999

Senate committee appointments — 67, 191

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JOHNSON, DAVID — Senator, 3rd District

Amendments filed — 94, 364, 504, 526, 685, 708, 797, 802, 809, 810, 903, 1062, 1065, 1075

Amendments offered — 809, 810, 889, 1062

Amendments withdrawn — 810, 903

Bills introduced — 22, 86, 101, 119, 137, 224, 359

Certificates of recognition — 240, 401, 1116

Presentations — 961

Presiding at sessions of the Senate — 1076

Resolutions introduced — 241, 266, 433, 593, 862, 1040

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KETTERING, STEVE — Senator, 26th District

Amendments filed — 420, 473, 550, 551, 565, 588, 790, 802, 895, 1160, 1163

Amendments offered — 473, 551, 588, 790, 895, 921, 1163

Amendments withdrawn — 550, 588

Bills introduced — 110, 137, 147, 223, 311, 345, 359

Resolutions introduced — 241, 368, 593, 862

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KIBBIE, JOHN P. — Senator, 4th District; Assistant Minority Leader

Amendments filed — 194, 238, 253, 449, 461, 495, 496, 526, 658, 769, 775, 777, 779, 782, 783, 789, 810, 902, 903, 1074, 1100, 1166, 1855, 1858

Amendments offered — 256, 449, 658, 775, 782, 789, 902, 903, 1080

Amendments withdrawn — 903, 1081

Bills introduced — 57, 86, 87, 116–118, 129, 146, 172, 179, 189, 190, 204, 223, 243, 278, 279, 295, 358, 359, 372

Certificates of recognition — 240, 275

Presentations — 566, 567

Resolutions introduced — 21, 22, 85, 145, 171, 179, 241, 266, 277, 593, 862

Senate committee appointments — 67

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KRAMER, MARY — Senator, 30th District; President of the Senate

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KREIMAN, KEITH A. — Senator, 47th District

Amendments filed — 193, 194, 238, 253, 257, 425, 427, 429, 442, 461, 486, 495, 496, 526, 565, 654, 655, 675, 678, 685, 747, 769, 777–779, 782, 783, 786, 787, 865, 890, 899, 947, 1011, 1026, 1075, 1100, 1104, 1158, 1163, 1166, 1855, 1859

Amendments offered — 193, 257, 427, 587, 654, 675, 678, 777, 786, 854, 899, 900, 937, 969, 1011, 1082, 1104, 1126, 1158, 1163, 1859

Amendments withdrawn — 257, 587, 655, 899, 969, 1029, 1126

Bills introduced — 57, 73, 86, 87, 117, 118, 129, 146, 172, 178, 179, 189, 190, 197, 204, 223, 259–261, 278, 295, 310, 343, 359, 360, 373

Resolutions introduced — 85, 100, 145, 171, 241, 277, 433, 593, 862

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LAMBERTI, JEFF — Senator, 35th District; President of the Senate

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- Bills introduced — 137, 189, 359
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LUNDBY, MARY — Senator, 18th District

- Amendments filed — 486, 941, 947, 998, 1034, 1059, 1061, 1062, 1065
- Amendments offered — 492, 941, 1000, 1003, 1034, 1059, 1062
- Amendments withdrawn — 1059, 1061, 1065
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McCOY, MATT — Senator, 31st District

- Amendments filed — 194, 253, 300, 461, 486, 495, 496, 526, 656, 747, 777, 779, 782, 784, 790, 840, 941, 981, 1058–1060, 1063, 1064, 1066, 1075, 1100, 1133, 1134, 1166, 1171, 1855, 1858
- Amendments offered — 253, 300, 656, 784, 790, 938, 941, 1063, 1066, 1171
- Amendments withdrawn — 300, 1059, 1064
- Bills introduced — 57, 86, 87, 101, 117, 129, 171, 172, 179, 189, 190, 204, 223, 295
- Certificates of recognition — 78, 794, 925, 977
- Resolutions introduced — 85, 100, 145, 171, 241, 277, 593, 862
- Senate committee appointments — 67

McKIBBEN, LARRY — Senator, 22nd District

- Amendments filed — 283, 353, 364, 383, 461, 596, 708, 1058, 1163
- Amendments offered — 472, 516, 644, 1058, 1163
- Amendments withdrawn — 472, 516
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- Presiding at sessions of the Senate — 474, 647, 688, 718, 780, 807, 823, 885, 931, 932, 968, 1033, 1154, 1155, 1166
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- Amendments filed — 461, 513, 565, 669, 792, 914, 981
- Amendments offered — 513, 756, 792, 806, 871
- Bills introduced — 101, 110, 137, 146, 147, 260
- Certificates of recognition — 997
- Presentations — 951
- Resolutions introduced — 241, 242, 593, 696, 863, 907
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- Bills referred to — 22, 117, 119, 204, 214, 224, 236, 285, 288, 307, 343, 431, 463-465, 522, 598, 615, 616
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Amendments filed — 238, 257, 442, 504, 526, 626, 685, 797, 865
 Amendments offered — 454, 941, 955
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Amendments filed — 193, 194, 253, 398, 429, 461, 482, 486, 495, 496,
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RAGAN, AMANDA — Senator, 7th District; Assistant Minority Leader

- Amendments filed — 194, 253, 526, 658, 685, 777, 779, 782, 783, 787, 890, 902, 1100, 1160, 1161, 1166, 1855, 1858
- Amendments offered — 787, 1160, 1161
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- Senate committee appointments — 68
- Statutory appointments — 96

REDFERN, DONALD B. — Senator, 10th District

- Amendments filed — 425, 486, 554, 589, 791, 792, 891, 1074, 1167
- Amendments offered — 425, 552, 554, 589, 792, 891, 1090, 1126, 1167
- Amendments withdrawn — 791, 1127
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- Statutory appointments — 18
- Tribute — 885

REHBERG, KITTY — Senator, 12th District

- Amendments filed — 596, 1065
- Amendments withdrawn — 674
- Bills introduced — 110, 119, 137, 171
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SCHUERER, NEAL — Senator, 38th District; Assistant Majority Leader

Amendments filed — 461, 469, 482, 548, 841, 948, 1065, 1170

Amendments offered — 469, 475, 482, 548, 738, 956, 1046, 1170

Bills introduced — 110, 137, 295

Certificates of recognition — 861

Resolutions introduced — 241, 242, 266, 593, 1108, 1117

Senate committee appointments — 69

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SECRETARY OF THE SENATE, Michael E. Marshall

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Certification of election by — 185

Resolutions sent to — 1178

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House File 2434 — 1018

SENATORS, STATUTORY APPOINTMENTS — *See* APPOINTMENTS OF SENATORS, STATUTORY

SENG, JOE M. — Senator, 43rd District

Amendments filed — 194, 253, 496, 526, 777, 779, 781–783, 787, 903, 1060, 1100, 1166, 1855, 1858

Amendments offered — 1060

Bills introduced — 57, 86, 87, 117, 129, 146, 171, 179, 189, 190, 223, 278, 295, 359

Certificates of recognition — 98, 366

Resolutions introduced — 85, 145, 171, 241, 277, 593, 683

Senate committee appointments — 69

SEYMOUR, JAMES A. — Senator, 28th District

Amendments filed — 720

Amendments offered — 720

Bills introduced — 110, 128, 137, 147, 197, 204, 359

Certificates of recognition — 385, 539, 574, 575

Resolutions introduced — 241, 593, 862

Senate committee appointments — 69

Statutory appointments — 114

SHULL, DOUG — Senator, 37th District

Amendments filed — 442, 486, 865, 1035, 1039, 1052, 1059, 1060, 1065

Amendments offered — 468, 932, 1035, 1039, 1052, 1059

Amendments withdrawn — 1039

SHULL, DOUG — continued

- Bills introduced — 137, 147, 171, 223, 359
- Certificates of recognition — 126, 134, 458
- Conference committee appointments & reports — 1018, 1110
- Resolutions introduced — 241, 593, 862
- Senate committee appointments — 69

SIEVERS, BRYAN J. — Senator, 42nd District

- Amendments filed — 685, 708, 740, 792, 840, 903, 1060, 1064, 1065, 1083, 1103, 1160
- Amendments offered — 740, 856, 903, 1083, 1103, 1160
- Amendments withdrawn — 903, 1160
- Bills introduced — 137, 344, 359
- Certificates of recognition — 609, 861
- Explanations of votes — 339
- Presentations — 618
- Presiding at sessions of the Senate — 164, 292, 1038, 1045, 1091
- Resolutions introduced — 241, 266, 459, 593, 612, 683
- Senate committee appointments — 69

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- Senators and respective committees — 64–70
- Subcommittee appointments, Appropriations — 63, 64, 191

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- Amendments filed — 736
- Appointees, investigation of — 151, 152, 167, 168, 183, 273, 283, 572–574, 604–608, 710–713
- Appointments to — 63, 191
- Bills and resolutions introduced by — 171, 214, 268, 333, 344, 390, 404, 434–436
- Bills referred to — 23, 86, 87, 101, 116–119, 128, 129, 146, 155, 156, 163, 180, 203, 278, 285, 288, 295, 300, 308, 310, 355, 372, 422, 426, 444, 481, 498, 506, 528, 529, 617
- Committee meeting reports — 100, 128, 170, 212, 265, 276, 331, 387, 403, 540, 665, 695
- Committee reports — 174, 216, 272, 338, 351, 398, 414, 440, 441, 564, 565, 666–668, 706, 707, 736
- Study bills — 89, 111, 120, 130, 190, 269, 346, 360, 391, 407
- Subcommittee assignments — 42, 93, 112, 121, 122, 131, 138, 147, 148, 157, 181, 182, 191, 225, 270, 289, 296, 297, 334, 335, 348, 362, 376, 377, 392, 393, 408, 459, 479, 501, 502, 525, 542, 612, 632

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STATUTORY APPOINTMENTS TO ADVISORY BOARDS AND COUNCILS
— *See* APPOINTMENTS OF SENATORS, STATUTORY

STEWART, ROGER — Senator, 13th District

- Amendments filed — 194, 253, 420, 495, 526, 747, 777–779, 781–783, 787, 789, 881, 1100, 1159, 1166, 1855, 1858
- Amendments offered — 420, 881, 1159
- Bills introduced — 57, 86, 87, 117, 129, 146, 171, 172, 178, 179, 189, 190, 204, 223, 224, 278, 295, 311, 359
- Certificates of recognition — 71, 609
- Resolutions introduced — 85, 100, 145, 171, 241, 277, 459, 593, 683, 862
- Senate committee appointments — 69

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- State Government — 89, 111, 120, 130, 190, 269, 346, 360, 391, 407
- Transportation — 89, 147, 214, 244, 345
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- Condition of Iowa Judiciary Message, Chief Justice Louis Lavorato — 47

TINSMAN, MAGGIE — Senator, 41st District

- Amendments filed — 486, 685, 735, 781, 785, 789, 791, 903, 1134
- Amendments offered — 643, 675, 735, 785, 789, 791, 1092, 1134
- Amendments withdrawn — 781, 791, 891

TINSMAN, MAGGIE — continued

- Bills introduced — 56, 73, 110, 137, 224, 243, 343, 359
- Certificates of recognition — 108, 126
- Presentations — 488, 869
- Presiding at sessions of the Senate — 74, 1007
- Resolutions introduced — 241, 266, 287, 593, 683, 696, 863, 873, 1151
- Senate committee appointments — 70
- Statutory appointments — 18, 96

TRANSPORTATION, COMMITTEE ON

- Appointees, investigation of — 574, 608, 692
- Appointments to — 63, 191
- Bills and resolutions introduced by — 109, 155, 156, 404, 405
- Bills referred to — 22, 57, 80, 86, 101, 110, 129, 146, 147, 179, 189, 236, 259, 343, 372, 598
- Committee meeting reports — 41, 100, 145, 154, 387, 693
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VEENSTRA, KEN — Senator, 2nd District; Assistant Majority Leader

- Amendments filed — 529, 655, 660, 669, 747, 789, 893, 1049, 1065, 1075
- Amendments offered — 529, 660, 675, 787, 789, 893, 1049
- Amendments withdrawn — 655, 1049
- Bills introduced — 72, 73, 85, 110, 119, 137, 359
- Certificates of recognition — 134, 144, 240, 619, 713, 1013, 1014, 1174
- Presiding at sessions of the Senate — 627, 670, 1055
- Resolutions introduced — 241, 266, 593, 862
- Senate committee appointments — 70
- Statutory appointments — 18

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WARD, PAT — Senator, 30th District

- Amendments filed — 446, 857, 1064, 1134
- Amendments offered — 446, 857, 1134
- Bills introduced — 359
- Oath of office — 186
- Resolutions introduced — 241, 266, 593
- Senate committee appointments — 191

WARNSTADT, STEVE — Senator, 1st District

- Amendments filed — 253, 442, 461, 486, 495, 496, 526, 588, 688, 779, 782, 785, 786, 790, 817, 891, 981, 1026, 1100, 1138, 1160, 1164, 1166, 1855, 1858
- Amendments offered — 466, 588, 646, 688, 785, 817, 891, 1032, 1036, 1160
- Amendments withdrawn — 646, 786, 1164
- Bills introduced — 22, 57, 86, 87, 100, 117, 118, 128, 129, 146, 147, 178, 180, 189, 190, 203, 204, 223, 259, 278, 295, 310, 369, 370, 404
- Certificates of recognition — 71, 153, 619
- Resolutions introduced — 21, 22, 85, 100, 145, 171, 241, 266, 277, 294, 593, 665, 748, 862, 997, 1070
- Senate committee appointments — 70

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- Amendments filed — 821, 1024, 1025
- Appointees, investigation of — 152, 168, 353, 574, 609, 640
- Appointments to — 63
- Bills and resolutions introduced by — 88, 232, 371, 372, 477, 500, 594, 631, 696, 838, 863, 979, 982, 1096, 1851
- Bills referred to — 22, 73, 117, 119, 213, 214, 223, 256, 279, 307, 340, 359, 373, 417, 431, 444, 490, 744, 750, 774, 829, 884, 905, 936, 937, 983, 1055, 1069, 1106
- Committee meeting reports — 85, 230, 241, 342, 368, 476, 575, 630, 693, 820, 862, 907, 978, 1022, 1107, 1117, 1866
- Committee reports — 93, 235, 382, 479, 480, 503, 595, 638, 639, 707, 821, 822, 838, 864, 980, 992, 1024–1026, 1097, 1098, 1102, 1119, 1857
- Study bills — 23, 80, 89, 111, 120, 244, 269, 296, 333, 361, 459, 478, 562, 594, 632, 795, 907, 908, 946, 1108, 1866
- Subcommittee assignments — 23, 80, 81, 89–93, 112, 122, 130, 225, 245, 246, 270, 296, 297, 334, 335, 361, 362, 392, 407, 459, 460, 479, 501, 562, 595, 632, 796, 821, 863, 908, 926, 927, 946, 979, 997, 998, 1044, 1109, 1118, 1866

WIECK, RON — Senator, 27th District

Amendments filed — 226, 421, 442, 685, 798, 865, 933, 998, 1073

Amendments offered — 250, 421, 452, 933, 938, 970, 1034

Amendments withdrawn — 932, 939

Bills introduced — 110, 137, 204, 359

Conference committee appointments & reports — 1018, 1110

Presentations — 758

Resolutions introduced — 241, 593, 631, 665, 748, 862

Senate committee appointments — 70

Statutory appointments — 18

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Winners introduced — 488

ZIEMAN, MARK — Senator, 8th District; Assistant Majority LeaderAmendments filed — 442, 461, 486, 685, 761, 902, 903, 947, 998, 1063,
1064, 1081Amendments offered — 645, 651, 736, 761, 901, 902, 990, 1050, 1051,
1063, 1081

Amendments withdrawn — 1050, 1064

Bills introduced — 23, 56, 110, 117, 137, 333

Certificates of recognition — 78, 98, 523

Presiding at sessions of the Senate — 298

Resolutions introduced — 241, 266, 593, 1149

Senate committee appointments — 70

Statutory appointments — 18, 96